

TITLE 8

UNIFIED DEVELOPMENT CODE

CHAPTER 1

JURISDICTION AND ZONING DISTRICTS

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8-1-1: TITLE; GENERAL PURPOSES; AUTHORITY; AND JURISDICTION:

8-1-1-1: TITLE:

This is the Grundy County, Illinois, unified development ordinance. It may be referred to as the "UDO" or as "this ordinance". (Ord. 10-001, 1-12-2010)

8-1-1-2: PURPOSES:

- A. General Purposes: The general purposes of this UDO are to promote the public health, safety, convenience, and general welfare by:
1. Conforming with the comprehensive plan for Grundy County.
 2. Preserving, enhancing, and protecting the rural character of Grundy County by:
 - a. Promoting compact urban form;
 - b. Promoting the continuation of agriculture as the predominant land use in the unincorporated area of the county;
 - c. Ensuring that whatever residential development occurs in the agricultural areas does not disrupt agriculture and preserves agricultural land; and
 - d. Coordinating with the general plans and land use regulations of the incorporated villages and cities within the county.
 3. Protecting the quality of life of county residents by:
 - a. Preventing the overcrowding of land and undue concentration of population;
 - b. Securing adequate light, air, convenience of access, and safety from fire, flood, and other danger;
 - c. Minimizing conflicts among adjacent land uses; and
 - d. Preserving and protecting places and areas of historical, cultural, scenic, or architectural importance and significance.
 4. Ensuring that highway systems are carefully planned to:
 - a. Lessen or avoid congestion in public ways;

- b. Enhance opportunities for multimodal and nonvehicular travel; and
 - c. Reduce vehicle miles traveled.
5. Ensuring that the community grows with adequate public way, utility, health, educational, and recreational facilities by:
- a. Promoting the orderly growth, development, improvement, and redevelopment of the community; and
 - b. Protecting natural resources and the environment including water supplies, sensitive ecosystems, and scenic vistas.
6. Ensuring that the needs of business and industry are recognized by:
- a. Providing for sufficient commercial and industrial property to allow for economic development within the county;
 - b. Providing for a fair, orderly, and efficient development review process; and
 - c. Protecting the value of property and buildings.
7. Ensuring that residential areas provide healthful surroundings for family life.
8. Protecting the fiscal and functional integrity of the county by:
- a. Ensuring that the growth of the county is commensurate with and in support of the efficient and economical use of public funds; and
 - b. Encouraging development in areas where transportation, water, sewers, schools, parks, and other public requirements exist, and limit development where such facilities do not exist.
- B. Specific Purposes: Specific purposes of this UDO are set out for individual chapters and for some sections. (Ord. 10-001, 1-12-2010)

8-1-1-3: AUTHORITY:

The authority for this UDO is established by all relevant grants of authority in the Illinois Compiled Statutes and county ordinances. (Ord. 10-001, 1-12-2010)

8-1-1-4: JURISDICTION:

All development within the boundaries of unincorporated Grundy County, as may be modified from time to time by municipal annexation, and all land use applications made to the county for property within the county shall comply with the provisions of this UDO. (Ord. 10-001, 1-12-2010)

8-1-2: APPLICABILITY; VESTED RIGHTS; EFFECT ON PRIVATE RESTRICTIONS:

8-1-2-1: APPLICABILITY:

No land shall be developed except in accordance with the applicable provisions of this UDO. All the following are considered "development" that is subject to the applicable requirements of this UDO:

- A. Use: The use of any building, structure, land, or water. This includes new uses, expansions, and material changes to the operational characteristics of existing uses.
- B. Land Clearing: Land clearing in anticipation of development for nonagricultural purposes shall be authorized by the issuance of a tree removal permit and shall only be in accordance with approved plans (see section 8-9-11, "Preservation Of Trees And Other Vegetation", of this title). Where site improvement permits are not required, land shall not be cleared for installation of infrastructure until all required development approvals (e.g., subdivision plat or development plat) are granted.
- C. Other Disturbance Or Alteration: Any other disturbance of land, soil, vegetation, or waterways, including alteration of land for development or other purposes, shall conform to the applicable standards contained in this UDO.
- D. Division Or Subdivision: Any division of land for land development, for sale, or for lease, whether by subdivision or any other technique shall comply with all applicable requirements of this UDO. (Ord. 10-001, 1-12-2010)

8-1-2-2: EXCEPTIONS AND EXEMPTIONS:

- A. Exceptions:
 - 1. Existing planned unit developments (PUDs) approved and partially developed shall be controlled by the provisions of the PUD ordinance under which they were approved. If they are to be modified, the procedures for a plat approval and zoning change in this title shall be used.
 - 2. Any development granted final approval prior to the adoption hereof shall be controlled by the development standards in place at the time of approval. However, if construction permits have not been obtained within twelve (12) months of that approval, the provisions of this UDO shall be met.
- B. Exemptions: The following are exempt from the provisions of this UDO:
 - 1. Existing Uses: Uses legally established at the time of adoption hereof shall be allowed to continue; however, all nonconforming uses shall be subject to chapter 12, "Nonconforming Structures, Uses, And Land", of this title.
 - 2. Agricultural Land: The regulations of this UDO are not imposed on land used for agricultural purposes or for the erection, maintenance, repair, alteration, remodeling, or extension of buildings used for such agricultural purposes on such land; except that such buildings for agricultural purposes shall be required to conform to building setback lines.
 - 3. Public Utilities: The regulations of this UDO do not specify or regulate the following:
 - a. The type or location of poles, towers, wires, cables, conduits, vaults, laterals, pipes, mains, valves, or similar distributing equipment; regulator and compressor stations, and the underground storage of gas for a public utility or natural gas company including facilities and exploratory and operating wells.
 - b. Utility scale wind energy conversion systems ("wind farms") or small wind energy conversion systems are not exempted from these UDO requirements. The standards for wind energy conversion systems are listed in sections 8-2-5-34, "Utility Scale Wind Energy Conversion Systems (U-SWECS)" and 8-2-3-14, "Small Scale Wind Energy Conversion Systems", of this title. (Ord. 10-001, 1-12-2010)

8-1-3: ESTABLISHMENT OF ZONING DISTRICTS:

8-1-3-1: ZONING DISTRICTS:

- A. General: The following zoning districts are established:

1. Agricultural:
 - A - Agricultural.
 - AR - Agricultural residential.
2. Residential:
 - PR - Planned residential.
 - R - Residential.
3. Nonresidential:
 - CG - Commercial general.
 - CI - Commercial interchange.
 - I - Industrial.

B. Comparison To Former Zoning Districts: Table 8-1-3-1, "General Zoning District Comparison", of this section, shows the approximate relationship between the districts established by this section and the districts from the former zoning ordinance, which they replace. The table is provided for rough comparative purposes only.

TABLE 8-1-3-1

GENERAL ZONING DISTRICT COMPARISON

Zoning Ordinance (Former Code)	Unified Development Ordinance (This UDO)
Zoning Ordinance (Former Code)	Unified Development Ordinance (This UDO)
A - Agricultural	A - Agricultural
A-R - Agricultural residential	AR - Agricultural residential
(No district)	PR - Planned residential
Existing developments in:	R - Residential
R-1 - Single-family detached residential	
R-2 - Single-family detached residential	
R-3 - Single-family attached and multiple-family residential	
R-R - Recreational residential	
B-1 - Business B-2 - Commercial	CG - Commercial general
B-3 - Motorist Service	CI - Commercial Interchange
M-1 - Manufacturing (light) M-2 - Manufacturing (heavy) M-3 - Mineral Extraction	I - Industrial

(Ord. 10-001, 1-12-2010)

8-1-3-2: OFFICIAL ZONING MAP:

A. General: The "zoning map" shows the boundaries of the zoning districts that are established by section 8-1-3-1, "Zoning Districts", of this chapter. The zoning map has been adopted by Grundy County and all of its notations are an official part of this title.

B. Availability: The zoning map is held in the Office of the Grundy County Land Use Department.

C. Official Zoning Map: The official zoning map is on file in the County Administrative Building; it is maintained to reflect all zoning district boundary amendments. (Ord. 10-001, 1-12-2010)

8-1-3-3: INTERPRETING THE OFFICIAL ZONING MAP:

The following rules shall be used to determine the precise location of any zoning district boundary line shown on the zoning map:

A. Property Lines: Boundary lines shown as following, or approximately following, lot lines or other property lines shall be construed as following such lines.

B. Rights-Of-Way: Boundary lines shown as following, or approximately following, streets, alleys, railroad tracks, or utility lines shall be construed as following the centerline of the right-of-way. Where streets or alleys on the ground differ from streets or alleys shown on the zoning map, the streets or alleys on the ground control.

C. Watercourses: Boundaries shown as following, or approximately following, the centerline of streams or other watercourses shall be construed as following the channel centerline. In the event of a natural change in the location of such streams or other watercourses, the zoning district boundary shall be construed as moving with the channel centerline.

D. Parallel To Features: Boundaries shown as separated from and parallel, or approximately parallel, to any of the features listed in subsections A through C of this section, shall be construed to be parallel to such features and at such distances as are shown on the zoning map.

E. Single Ownership Land Or Land With No Identifiable Feature: On single ownership (nonsubdivided) land or when a district boundary follows no identifiable feature, the location of district boundaries shall be determined by applying the following rules in order until the boundaries are known:

1. First, by referring to dimensions shown on the official zoning map (if any).

2. Second, by using the map scale appearing on the official zoning map.

F. Determination By County Board: Questions concerning the exact locations of zoning district boundary lines shall be resolved by the County Board after receiving recommendations from the Zoning Board of Appeals, and Land Use Committee. (Ord. 2018-012, 6-12-2018)

8-1-3-4: DEVELOPMENT SPANNING TWO OR MORE DISTRICTS:

Where a parcel proposed for development is located in more than one zoning district, the development shall be treated as if it were two (2) or more separate parcels under the same ownership with the district boundary(ies) acting as the parcel boundary. Development within each sector of the parcel shall conform to the provisions of its respective district. (Ord. 10-001, 1-12-2010)

8-1-3-5: DISCONNECTED TERRITORY:

Any additions to the unincorporated area of the County resulting from disconnection from municipalities or otherwise, shall be classified in the Agricultural (A) District. Affected areas may be subsequently rezoned by amendment in accordance with the requirements of section 8-14-9, "Map Amendments", of this title. (Ord. 10-001, 1-12-2010)

8-1-4: DISTRICT PURPOSES:

The district purposes are set forth with regard to the general use or purpose of the district, the community character the district creates, the types of uses permitted, and the infrastructure requirements of the uses. (Ord. 10-001, 1-12-2010)

8-1-4-1: AGRICULTURAL (A) DISTRICT:

This district is intended to permit agriculture to be the primary use of land and restrict residential uses or activities that interfere with agriculture.

A. Character: This district is entirely rural in character. The minimum lot size requirements and open space ratios for uses and other controls are set so that, at full development, the area will remain rural in appearance and open space can be used for agricultural purposes.

B. Uses: Agriculture is the primary use of the land. Other uses that are accessory to the agricultural use are permitted on farmsteads to enhance the total value of the agricultural operation to its owner. Residential uses are limited in this district and require the permanent set aside of adjacent lands that preserve natural areas or agriculture.

C. Water And Sewer: Water supply and sanitary sewage disposal is normally provided by wells and septic systems on an individual lot basis. (Ord. 10-001, 1-12-2010)

8-1-4-2: AGRICULTURAL RESIDENTIAL (AR) DISTRICT:

This district is intended to provide a higher density of residential development than is otherwise permitted in the agricultural (A) district. Residential development is permitted for those tracts of land within or adjacent to agricultural areas where it is determined that:

A. Such land, by virtue of its physical characteristics, is not well suited for agricultural purposes;

B. The development of the land for residential use will not substantially impair the use of adjacent properties for agricultural use; and

C. The development of rural land for residential use will not substantially impact the existing road system, increase the requirements for public services, or change the rural character of the area. (Ord. 10-001, 1-12-2010)

8-1-4-3: PLANNED RESIDENTIAL (PR) DISTRICT:

This district is the primary residential district to meet very specific needs that are compatible with the rural nature of the county. The district is intended to provide for well planned residential communities in naturally attractive areas, while avoiding suburbanization or competition with incorporated cities and villages.

A. Development Forms: This district is intended to accommodate new master planned residential communities in rural unincorporated areas. It is intended for future development as, upon adoption, no areas are zoned this category. Where land is outside the urban service boundary of a city or village, and the county desires to protect the rural area from further annexation, it may zone the area as planned residential with a planned development approval for a conservation development.

B. Uses: This district is intended to allow specialized residential development in a limited and controlled fashion.

C. Infrastructure: Single-family sites may be served by on site wells and septic systems or by public utilities depending on the lot size and configurations of development.

D. Master Plan Required: In accordance with 55 Illinois Compiled Statutes 5/5-12009.5(a), developments in this district shall be designated as special uses, and approval will require submittal and issuance of a special use permit and master plan acceptance at the time of rezoning. (Ord. 10-001, 1-12-2010)

8-1-4-4: RESIDENTIAL (R) DISTRICT:

A. General: This district is intended to preserve the character of the designated existing residential neighborhoods that were developed under prior zoning categories that are no longer used in this UDO or of platted areas that may now be nonconforming. This district ensures that owners of property in designated established neighborhoods are not required to seek variances to improve existing homes that were either built before zoning regulations were adopted or conformed to the regulations that were in effect with the previous ordinance. Any nonconformities or zoning violations that existed at the time of adoption of this UDO shall remain in effect. Variances will be required when improvements to existing homes would otherwise violate or not conform to the regulations that were in effect with previous ordinances.

B. Character: This district has a predominantly single-family residential character.

C. Uses: The district is intended to preserve existing residential character and discourage conversion of residential uses to other uses.

D. Infrastructure: Water and sewer service are provided by on site wells and septic systems or by public utilities depending on the lot size and configurations of development. (Ord. 10-001, 1-12-2010)

8-1-4-5: COMMERCIAL GENERAL (CG) DISTRICT:

A. General: This district is the primary commercial district. It accommodates retail and commercial service uses primarily located along the major highways or, in some cases, isolated rural areas.

B. Character: This district has an auto-urban character, generally characterized by a large amount of parking or vehicle storage (that often exceeds the building coverage). Landscape buffers and landscaping within parking areas are required to soften the impact of large areas of pavement. Building form and grouping regulations apply that encourage and require creativity in building design and layout and share access to the highway. These regulations are intended to soften visual impact of commercial development on the rural character of the county and reduce potential conflicts with highway traffic.

C. Uses: This district is intended to provide for a full range of community scale commercial enterprises, including, but not limited to, retail, office,

restaurant, entertainment, and service.

D. Infrastructure: Water and sewer service is provided by on site facilities. (Ord. 10-001, 1-12-2010)

8-1-4-6: COMMERCIAL INTERCHANGE (CI) DISTRICT:

This district is for the existing I-80 and I-55 interchanges in unincorporated Grundy County and the unincorporated areas associated with any future new interchange. It is intended to accommodate commercial development that serves the needs of motorists wishing to exit the interstate for vehicle refueling and servicing, food, and short term boarding.

A. Character: This district has an auto-urban character, generally characterized by a large amount of parking or vehicle storage. Buildings are the dominant visual element. Landscaping is intended to enhance the appearance of the buildings and to soften the impact of large paved areas, not hide development or try to project a noncommercial character.

B. Uses: This district is intended to accommodate highway oriented retail and service uses such as motor fuel stations, truck stops, restaurants, and hotels. Regional uses such as an automobile mall or community college may be allowed if their locations are consistent with county and municipal comprehensive plans.

C. Infrastructure: Water and sewer service is provided by on site or shared facilities. (Ord. 10-001, 1-12-2010)

8-1-4-7: INDUSTRIAL (I) DISTRICT:

A. General: This district accommodates both light and heavy industrial uses in the rural areas that may be unsightly or have higher potential for nuisance to any adjoining residential areas. It is intended to protect land that has access to water or rail transportation that are critical to many of these uses.

B. Character: There is no specific character to this district in Grundy County, as many sites in the unincorporated area are expansive. Buildings and structures, exterior storage, and uses that are basically machines (concrete mixing, for example) are often unsightly. In many cases, uses within this district must be buffered from views by existing residential areas outside of the district by extensive landscape buffers. Open spaces are required for on site or shared stormwater detention and treatment areas.

C. Uses: This district is intended to provide for light and heavy industrial uses that are unsightly or have nuisance potential. Very large buildings, both in height and area, are also restricted to this district. These uses are generally poor neighbors to residential areas.

D. Infrastructure: Water and sewer service is provided on site. (Ord. 10-001, 1-12-2010)

CHAPTER 2

PERMITTED USES

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8-2-1: PURPOSE:

The purpose of this chapter is to designate the zoning districts in which specific uses are permitted. Some permitted uses require administrative review and approval based on additional standards, which may determine where in a district a use is permitted or what specific additional standards apply to that use. It also indicates whether a use requires a special use permit be approved or whether the use is prohibited. (Ord. 10-001, 1-12-2010)

8-2-2: USES BY DISTRICT:

8-2-2-1: LAND USE TABLES:

The following three (3) tables provide the information on uses permitted in each district:

A. Symbols Used In The Use Tables: The following symbols are used in tables 8-2-2-1A, "Agricultural, Residential, And Institutional Uses"; 8-2-2-1B, "Nonresidential Uses"; and 8-2-2-1C, "Temporary Uses", of this section, to indicate whether a particular use is permitted, permitted by administrative review (subject to administrative review use standards), permissible by special use review (subject to special use standards), or prohibited within each zoning district:

1. "P" indicates a permitted use, where the use is permitted as a matter of right, subject to the general standards of section 8-2-3, "General Use Standards", of this chapter, and all other applicable provisions of this title.
2. "A" indicates an administrative review use, which is subject to additional review by the Land Use Director for compliance with the standards of section 8-2-3, "General Use Standards", of this chapter, and the applicable performance standards of section 8-2-4, "Administrative Review Use Standards", of this chapter. Not all properties or project designs may meet these requirements; thus, the use may not be allowed to be established on every parcel within the district.
3. "S" indicates a special use, which is allowed only upon granting a special use permit as provided in section 8-14-6, "Special Use Permits", of this title. The Zoning Board of Appeals, Land Use Committee, and County Board review special use permit applications for compliance with the standards of section 8-2-3, "General Use Standards", of this chapter, and the applicable performance standards of section 8-2-5, "Special Use Standards", of this chapter. Not all properties or project designs may meet these requirements; thus, the use may not be allowed to be established on every parcel within the district.
4. "N" indicates a prohibited use that is not permitted in that district. (Ord. 2018-012, 6-12-2018)

TABLE 8-2-2-1A

AGRICULTURAL, RESIDENTIAL, AND INSTITUTIONAL USES

P = Permitted use
 A = Permitted use with administrative review
 S = Special use
 N = Prohibited use

Land Use	Zoning District							General Use Standard ¹	Admin. Review Or Special Use Standard
	A	AR	PR	R	CG	CI	I		
Agriculture	P	P	P	P	P	P	P		
Boarding/riding stables	A	A	A	A	A	N	N		Sec. 8-2-4-1 of this chapter
Borrow pits for interchange and highway use	A	A							Sec. 8-2-4-4 of this chapter

Cargo container storage unit	A	N	N	N	N	N	N		Sec. 8-2-4-5 of this chapter
Farmstead	P	P	N	N	N	N	N		
Intensive agriculture	P	N	N	N	N	N	N		
Kennel	S	N	N	N	S	N	S		Sec. 8-2-5-14 of this chapter
Residential uses:									
Beekeeping	A	A	A	A	A	A	A		Sec. 8-2-4-14
Chicken keeping	See note 2	See note 2	A ³	A ³	N	N	N		Sec. 8-2-4-7
Group homes	A	A	A	A	S	N	N		Sec. 8-2-4-6 of this chapter
Live-work units	N	N	S	S	S	N			Sec. 8-2-5-16 of this chapter
Manufactured home park or subdivision	S	N	N	N	N	N	N		Sec. 8-2-5-17 of this chapter
Multi-family	N	N	N	S	N	N	N		
Single-family	P	P	P	P	N	N	N		Sec. 8-2-4-10 of this chapter
Single-family attached and two-family	N	N	S	A	N	N	N		
Single-family cluster	N	N	S	P	N	N	N		Sec. 8-2-5-29 of this chapter
Home uses:									
Home childcare	P	P	P	P	P	N	N	Sec. 8-2-3-4 of this chapter	
Home occupation	P	P	P	P	P	N	N	Sec. 8-2-3-5 of this chapter	
Miscellaneous uses:									
Solar collector systems	A	A	A	A	A	A	A		Sec. 8-2-4-11 of this chapter
Solar farm	S						S		Sec. 8-2-5-30 of this chapter
Institutional uses:									
College/university	S	N	N	N	N	S	N		Sec. 8-2-5-5 of this chapter
Correctional facility	N	N	N	N	N	N	S		Sec. 8-2-5-7 of this chapter
Daycare facility	S	N	S	S	P	N	N		Sec. 8-2-5-8 of this chapter
Institutional residential	S	S	S	S	S	N	N		Sec. 8-2-5-13 of this chapter
Places of public assembly	S	S	S	S	P	P	N		Sec. 8-2-5-22 of this chapter
Private club	S	S	S	S	P	N	N		Sec. 8-2-5-24 of this chapter
Public service facility	A	A	A	A	P	P	A		Sec. 8-2-4-8 of this chapter
Utilities, neighborhood	A	A	A	A	A	A	P		Sec. 8-2-4-13 of this chapter

Notes:

1. All general use standards enumerated in section 8-2-3, "General Use Standards", of this chapter, shall apply to all land uses enumerated in this table, as appropriate. Listings in this column are provided as a convenient reference to certain applicable standards.
2. See section 8-2-3-1 of this chapter.
3. Only applicable to R, PR, and R-200 lots.

(Ord. 10-001, 1-12-2010; amd. Ord. 2011-012, 7-12-2011; Ord. 2012-010, 4-10-2012; Ord. 2012-011, 4-10-2012; Ord. 2012-015, 4-10-2012; Ord. 2012-016, 4-10-2012; Ord. 2020-003, 1-14-2020; Ord. 2021-016, 6-8-2021; Ord. 2021-018, 6-8-2021)

TABLE 8-2-2-1B

NONRESIDENTIAL USES

P = Permitted use

S = Special use

A = Permitted use with administrative review

N = Prohibited use

Land Use	Zoning District							General Use Standard ¹	Admin. Review Or Special Use Standard
	A	AR	PR	R	CG	CI	I		
Commercial uses:									
Agricultural support and other rural services	S	N	N	N	P	N	N		Sec. 8-2-5-2 of this chapter
Bed and breakfast	A	A	A	A	A	P	N		Sec. 8-2-4-3 of this chapter
Car wash	N	N	N	N	N	S	S		Sec. 8-2-5-4 of this chapter
Commercial lodging	N	N	N	N	N	P	N		
Commercial outdoor shooting ranges (not including private firearm ranges)	S	N	N	N	N	N	S		Sec. 8-2-5-36
Commercial retail	N	N	N	N	N	P	S		Sec. 8-2-5-6 of this chapter
Drive-in/drive-through facility	N	N	N	N	N	S	S		Sec. 8-2-5-9 of this chapter
Garden center	S	N	N	N	P	N	P		Sec. 8-2-5-11 of this chapter
Heavy retail and service	N	N	N	N	N	P	N		Sec. 8-2-5-12 of this chapter
Light automobile service	N	N	N	N	S	P	P	Sec. 8-2-3-7 of this chapter	
Ministorage units	N	N	N	N	S	N	P		Sec. 8-2-5-18 of this chapter
Mixed use	N	N	N	N	S	N	N		Sec. 8-2-5-19 of this chapter
Office	N	N	N	N	P	P	P		
Restaurant	A	N	N	N	P	P	A		Sec. 8-2-4-9 of this chapter
Services	N	N	N	N	P	P	N		
Shopping center	N	N	N	N	N	P	N		
Vehicle sales, rental, and service	N	N	N	N	N	P	S		Sec. 8-2-5-31 of this chapter
Veterinary practice	P	N	N	N	P	N	S		Sec. 8-2-5-32 of this chapter
Recreation and amusement uses:									
Campgrounds and RV parks	S	N	N	N	N	N	N		Sec. 8-2-5-3 of this chapter
Commercial amusement, indoor	N	N	N	N	P	P	N		

Commercial amusement, outdoor	N	N	N	N	N	P	N		
Recreation, indoor	S	N	N	S	P	P	N		Sec. 8-2-5-26 of this chapter
Recreation, outdoor	S	N	S	S	P	N	N		Sec. 8-2-5-27 of this chapter
Industrial uses:									
Adult uses	N	N	N	N	N	N	S		Sec. 8-2-5-1 of this chapter
Disposal	(Regulated by separate county resolution)								
Extraction	N	N	N	N	N	N	S		Sec. 8-2-5-10 of this chapter
Heavy industry	N	N	N	N	N	N	P		
Light industry	N	N	N	N	N	N	P		
Medical cannabis cultivation center	N	N	N	N	N	N	S	n/a	Sec. 8-2-5-35 of this chapter
Medical cannabis dispensing organization	N	N	N	N	N	N	S	n/a	Sec. 8-2-5-35 of this chapter
Outdoor cargo container storage and handling facilities	N	N	N	N	N	N	S		Sec. 8-2-5-20 of this chapter
Private airstrip	S	N	N	N	N	N	N		Sec. 8-2-5-23 of this chapter
Salvage activities	N	N	N	N	N	N	S		Sec. 8-2-5-28 of this chapter
Utilities, community	S	S	S	S	A	S	P		Secs. 8-2-4-12, 8-2-5-33 of this chapter
Warehousing and transportation	N	N	N	N	N	N	P		
Miscellaneous uses:									
Airports	A	N	N	N	N	N	A		Sec. 8-2-4-2 of this chapter
Cemeteries	A	N	N	N	N	N	N		
Landscape waste composting and organic waste composting facility	S	N	N	N	N	N	S		Sec. 8-2-5-15 of this chapter
Parking (stand alone lot) and transit facilities	N	N	N	N	N	S	S		Sec. 8-2-5-21 of this chapter
Private pipelines	S	S	S	S	S	S	S		Sec. 8-2-5-25 of this chapter
Solar collector systems	A	A	A	A	A	A	A		Sec. 8-2-4-11 of this chapter
Solar farms	S						S		Sec. 8-2-5-30 of this chapter
Utility scale wind energy conversion systems	S	N	N	N	N	N	S		Sec. 8-2-5-34 of this chapter
Wireless telecommunications facilities	Regulated by 55 Illinois Compiled Statutes 5/5-12001.1								

Note:

1. All general use standards enumerated in section 8-2-3, "General Use Standards", of this chapter, shall apply to all land uses enumerated in this table, as appropriate. Listings in this column are provided as a convenient reference to certain applicable standards.

(Ord. 10-001, 1-12-2010; amd. Ord. 2012-015, 4-10-2012; Ord. 2012-016, 4-10-2012; Ord. 2014-018, 11-10-2014; Ord. 2021-015, 6-8-2021; Ord. 2021-016, 6-8-2021)

TABLE 8-2-2-1C

TEMPORARY USES

P = Permitted use

S = Special use

A = Permitted use with administrative review

N = Prohibited use

Land Use	Zoning District							General Use Standard ¹	Admin. Review Or Special Use Standard
	A	AR	PR	R	CG	CI	I		
Temporary uses:									
Commercial outdoor sales event	N	N	N	N	P	N	N		Sec. 8-2-6 of this chapter
Contractor's office	N	N	A	A	A	A	P		Sec. 8-2-6-2 of this chapter
Farm stand	A	N	N	N	N	N	N		Sec. 8-2-6-3 of this chapter
Model homes	N	N	A	A	N	N	N		Sec. 8-2-6-4 of this chapter
Sales office	N	N	N	N	N	A	A		Sec. 8-2-6-6 of this chapter
Special events	S	N	N	N	S	S	N		Sec. 8-2-6-5 of this chapter

Note:

1. All general use standards enumerated in section 8-2-3, "General Use Standards", of this chapter, shall apply to all land uses enumerated in this table, as appropriate. Listings in this column are provided as a convenient reference to certain applicable standards.

(Ord. 10-001, 1-12-2010; am. Ord. 2021-016, 6-8-2021)

8-2-2-2: UNLISTED USES:

A. Unlisted Uses Prohibited: Any use that is not listed in section 8-2-2-1, table 8-2-2-1A, "Agricultural, Residential, And Institutional Uses"; 8-2-2-1B, "Nonresidential Uses"; or 8-2-2-1C, "Temporary Uses", of this chapter is prohibited.

B. New And Similar Uses: It is not the intent to prohibit legitimate similar uses or new uses similar to those that are listed. The director shall decide whether the proposed use is either a subcategory of a permitted or special use, or a use that is functionally similar to a permitted or special use.

C. Decision Criteria: The following decision criteria shall be evaluated when the land use department decides whether a proposed use is a subcategory of, or functionally similar to, a permitted or special use:

1. Parking demand;
2. Average daily and peak hour trip generation (cars and trucks);
3. Water demand;
4. Solid waste generation;
5. Impervious surface;
6. Noise;
7. Lighting;
8. Dust;
9. Odors;

- 10. Use and storage of hazardous materials;
- 11. Character of buildings and structures;
- 12. Character of operation; and
- 13. Hours of operation.

D. Effect Of The Land Use Department's Determination:

- 1. If the land use department approves an application for a decision pursuant to this section, then the land use shall be applied with the same restrictions as the land use to which it was compared for the purposes of the favorable decision.
- 2. If the land use department determines that a proposed land use is not a subcategory of, or functionally similar to, an already listed land use, then the proposed use is a prohibited use. (Ord. 10-001, 1-12-2010)

8-2-3: GENERAL USE STANDARDS:

8-2-3-1: ACCESSORY AGRICULTURAL USES:

Accessory agricultural uses include growing crops or keeping livestock animals on a parcel where this use is not the principal use of the parcel. This is a common accessory use in Grundy County where a homeowner will have a large garden or a small greenhouse on the property for the individual's own use. Accessory livestock animals are allowed by right in the A, AR, and PR zoning districts. This use is permitted in combination with the keeping of other livestock animals so long as the maximum number of allowed animal units (horses and other types of livestock animals) in the relevant zoning district are not exceeded.

Accessory agricultural uses include:

- Field crops.
- Greenhouse for private use only.
- Nursery for private use only.

The keeping of livestock animals for personal use only and subject to the following standards:

- A. All buildings housing livestock animals shall be set back at least one hundred feet (100') from all property lines.
- B. Grazing livestock animals shall have one acre of continuous grazing. For parcels greater than five acres, the grazing acreage shall be one acre of grazing for each five acres of land, or fraction thereof.
- C. Small birds, small reptiles, fish, and small mammals like gerbils, rabbits, mice, and similar small animals are not limited in number.
- D. The sanitation and management of the livestock animals shall comply with the current Illinois Environmental Protection Agency for manure management and the Animal Welfare Management regulations of the Illinois Department of Agriculture.
- E. There shall not be more than one animal unit per acre or part thereof. The following table shows the value in animal units for mature livestock animals permitted per acre of land:

TABLE 8-2-3-1 ANIMAL UNITS PER ACRE		
Animal	Number Of Animal Units	Minimum Lot Size
Horse, mule, Llama, Cow, swine	1.0 = 1 unit	2
Swine 500 pounds or less, miniature cattle	2.0 = 1 unit	2
Sheep, goat, mini-horse, pony, alpaca, ostrich, mini-pig 200 pounds or less	3.0 = 1 unit	2
Fowl, poultry ¹	20 = 1 unit	1
Furbearing animals ²	20 = 1 unit	1

Notes:

- 1. PR zoning district regulations that are at section 8-2-4-7 of this chapter.
- 2. Except dogs and cats, which are regulated by section 4-2-7 of this code.

(Ord. 10-001, 1-12-2010; amd. Ord. 2012-011, 4-10-2012; Ord. 2021-017, 6-8-2021)

8-2-3-2: ACCESSORY STRUCTURES:

All accessory structures shall meet the following standards:

- A. Timing Of Construction: An accessory use or structure of one thousand (1,000) square feet is allowed prior to construction of the principal structure, with issuance of a building permit for said principal structure.
- B. Use Restrictions: Accessory structures shall not be used for residential occupancy or commercial purposes.
- C. Location Of Structures: The following standards apply to the location of freestanding accessory structures:
 - 1. Permitted locations of accessory uses and structures are shown in table 8-2-3-2, "Permitted Locations Of Accessory Uses", of this section.

TABLE 8-2-3-2

PERMITTED LOCATIONS OF ACCESSORY USES

	Yard
--	-------------

Use Or Structure	Front	Interior Side	Rear ¹
Garages or carports, detached	X	X	X
Open sided summer houses and gazebos		X ²	X
Sheds and storage buildings for garden equipment and household items		X ²	X
Swimming pools, private		X ²	X
Decks more than 2 feet above grade		X ²	X

Notes:

1. If the rear yard is also a street yard, the permitted accessory structure must be located at least 10 feet from any property line.
2. The structure may be located in a side yard (excluding street yard) of a lot having an area of 1 acre or more in size, provided that the structure is located at least 20 feet behind the extended front plane of the principal building.
2. The location of freestanding accessory structures to multi-family or attached dwellings shall be approved during the land development review process to ensure that essential access is safe and the structures do not create a nuisance to the adjoining properties.
- D. Swimming Pools: Swimming pools must be fenced with at least a four foot (4') fence with a gate that is self-latching and self-locking. Alternatively, a swimming pool may be equipped with a power safety cover that complies with the international building code in place of the fence; or a barrier may be mounted on top of the pool to protect it from unauthorized use.
- E. Maximum Building Area: The maximum area for accessory buildings and structures on any lot shall not exceed five thousand (5,000) square feet.
- F. Maximum Height: One story or twenty five feet (25'), whichever is lower.
- G. Height Measurement: Accessory structure height is calculated by measuring the vertical distance from the average finished ground level around the base of the structure to the highest point on the structure. (Ord. 10-001, 1-12-2010)

8-2-3-3: FENCES:

The following provisions shall apply to fences on parcels with nonagricultural uses:

A. Requirements for all land uses:

1. Impedance Of Drainage: No fence or wall may be erected, constructed, or maintained on any portion of a lot where the natural stormwater runoff would be impeded.
2. Height And Setback Requirements: Fences shall comply with the height and setback requirements displayed in table 8-2-3-3, "Fence Height And Setback Requirements", of this section:

TABLE 8-2-3-3

FENCE HEIGHT AND SETBACK REQUIREMENTS

	Zoning District Requirements			
	Agricultural	Residential	Industrial	All Others
	Zoning District Requirements			
	Agricultural	Residential	Industrial	All Others
Maximum heights:				
Interior side and rear yards	6 feet	6 feet	8 feet	8 feet
Street (front) and street side yards	4 feet	4 feet	8 feet	4 feet
Area between front building line and street	4 feet	4 feet	8 feet	4 feet
In side or rear yard abutting a general commercial (CG), commercial interchange (CI), or industrial (I) zoning district	8 feet	8 feet	8 feet	8 feet
In side or rear yard abutting an arterial or collector street	8 feet	6 feet	8 feet	Not permitted
Minimum setbacks:				
From sidewalks	n/a	0.5 foot	0.5 foot	0.5 foot
From streets:				
Generally	1 foot	5 feet	5 feet	5 feet
Intersection of street lot lines	25 feet	25 feet	25 feet	25 feet
From alleys	1 foot	1 foot	1 foot	1 foot

3. Visibility: All fences located in the front yard (or a street facing yard on a corner lot) shall not reduce visibility through the fence by more than fifty percent (50%) when viewed at a ninety degree (90°) angle.

B. Residential land uses:

1. Design: Open picket fences that are located in front yards or street side yards shall be designed such that less than fifty percent (50%) of the

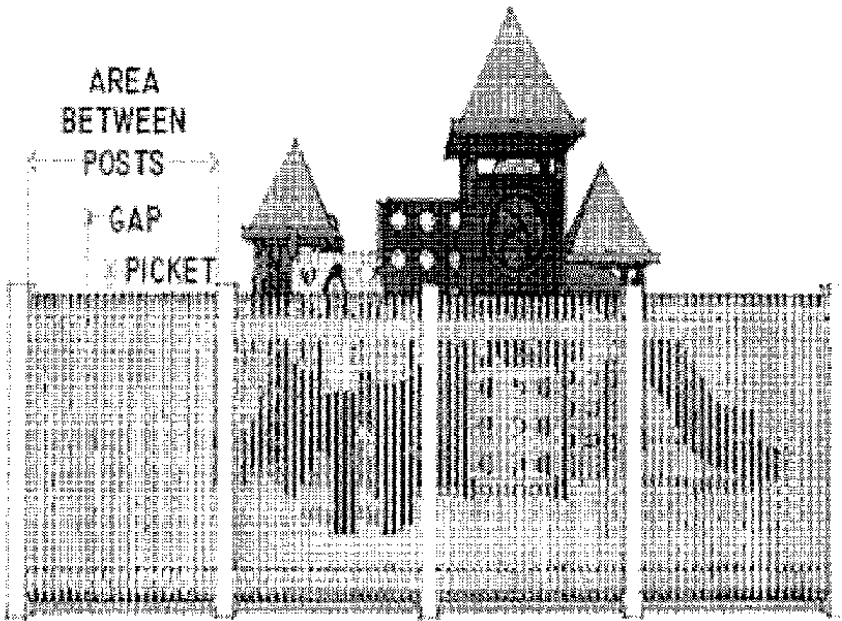
face of the fence is opaque. Slats shall not be woven into chainlink fences in front yards. See figure 8-2-3-3A, "Fence Opacity", of this section.

FIGURE 8-2-3-3A

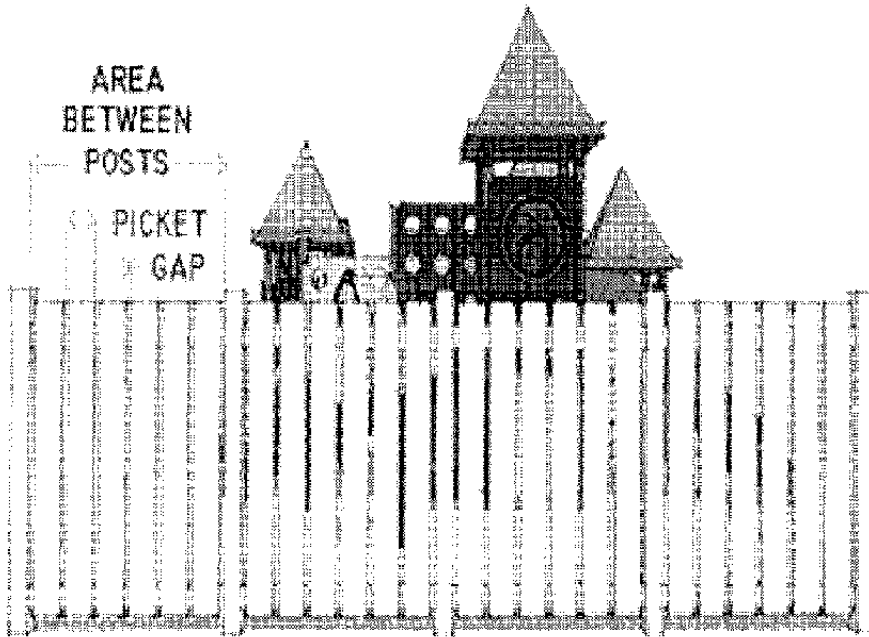
FENCE OPACITY

Opacity is measured as the total width of pickets (or other fence components) between posts, divided by the distance between posts; or in the case of horizontal fence types, the total width of horizontal fence elements divided by the height of the fence.

Acceptable: Front yard fence with 50% opacity (50% of area between posts is gaps).



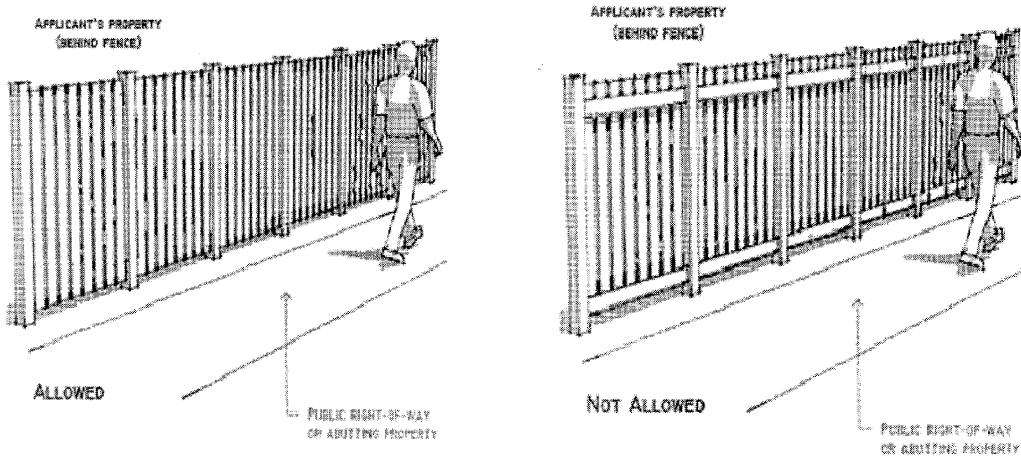
Unacceptable: Front yard fence with 80% opacity (only 20% of area between posts is gaps).



2. Orientation: The finished side of all fences shall face out toward neighboring property or adjacent rights of way. See figure 8-2-3-3B, "Fence Orientation", of this section.

FIGURE 8-2-3-3B

FENCE ORIENTATION



3. Materials:

a. Materials shall be durable and of a character commonly used in residential applications, including: weather resistant wood species, split rail, wood treated with U.S. environmental protection agency approved preservatives, painted wood, ornamental wrought iron or powder coated aluminum, vinyl, brick, and stone.

b. Scrap lumber, plywood, sheet metal, plastic, or fiberglass sheets are expressly prohibited. Spikes, nails, or other sharp point or instrument on top or sides of such fence are prohibited. (Ord. 10-001, 1-12-2010)

c. Welded wire, barbed wire, electric, agricultural fencing, and chicken wire fences are permitted only in the agricultural (A) district and agricultural residential (AR) districts that are greater than twenty (20) acres in size that are intended to hold livestock. (Ord. 2014-006, 4-8-2014)

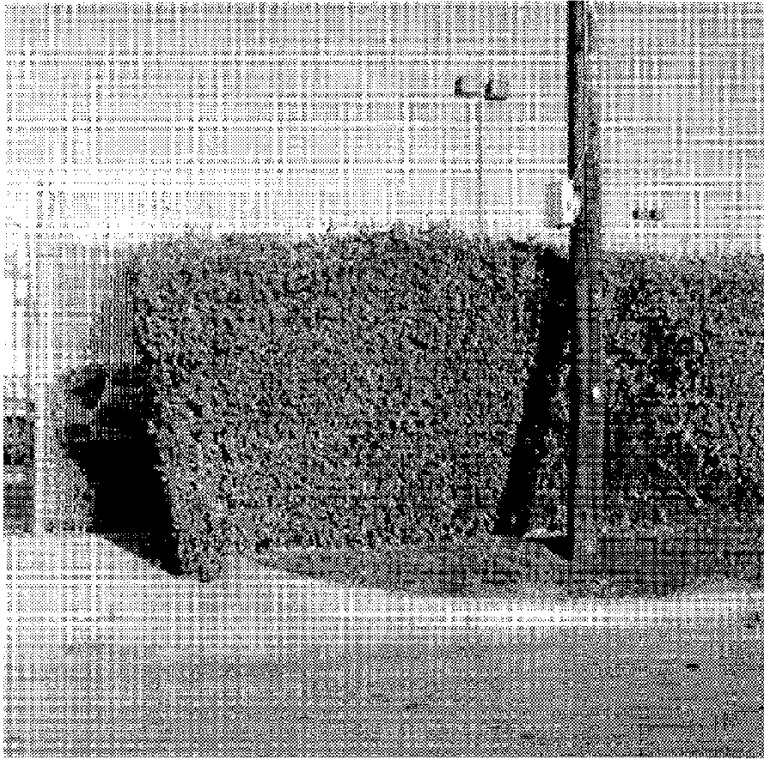
C. Commercial, institutional, and industrial land uses:

1. Yards Adjoining Streets: Unless the use is classified as an industrial use in section 8-2-2-1, "Table 8-2-2-1B, Nonresidential Uses", of this chapter, no fence shall be permitted in any required front yard or side yard adjoining a street.

2. Materials: Barbed wire cradles facing inward toward the property may be placed on top of fences enclosing public utility buildings or wherever the director finds that such are necessary to address a demonstrated security interest. The use of barbed wire shall be complemented with opaque landscaping, such as a thick hedge, as illustrated in figure 8-2-3-3C, "Barbed Wire Fence Buffering", of this section.

FIGURE 8-2-3-3C

BARBED WIRE FENCE BUFFERING



(Ord. 10-001, 1-12-2010)

8-2-3-4: HOME CHILDCARE:

Nonlicensed, home child daycare shall be permitted in single- family dwellings for eight (8) or fewer unrelated children. Licensing requirements of the Illinois department of children and family services (DCFS) are available in DCFS bulletin #173, summary of licensing standards for day care centers, and other DCFS publications. (Ord. 10-001, 1-12-2010)

8-2-3-5: HOME OCCUPATION:

Home occupation accessory uses are permitted in the agricultural (A), agricultural residential (AR), planned residential (PR), residential (R), and commercial general (CG) districts subject to the following requirements:

- A. **Ownership Of Business:** Home occupations shall be managed and owned by a person residing in the dwelling unit. It shall be conducted within the premises of such home and shall be incidental and secondary to the use of the dwelling for dwelling purposes.
- B. **Maximum Floor Area:** Home occupations shall not exceed twenty five percent (25%) of the gross floor area of the principal building, including the cellar or basement. No more than twenty five percent (25%) of the floor area of an accessory building shall be devoted to such occupation.
- C. **Employees:** No more than one person shall be employed who is not a member of the family residing in the dwelling.
- D. **Access:** The entrance to the space devoted to such occupation shall be from within the dwelling or the normal entrance to the accessory building.
- E. **Building Character:** There shall be no display, storage, or activity that will indicate from the exterior of a dwelling that it is being used for any use other than as a dwelling.
- F. **Outdoor Storage:** No outdoor storage is allowed.
- G. **Outdoor Display Of Merchandise:** No commercial display of materials, merchandise, goods, or equipment shall be visible from the exterior of the dwelling unit unless located in the CG district.
- H. **Signage:** One nameplate, no more than three (3) square feet, is permitted unless located in the CG district.
 - 1. It shall only contain the name of the occupant's business.
 - 2. It shall not be illuminated.
 - 3. It shall be set back at least twenty five feet (25') from the street lot line.
- I. **Deliveries:** Stock in trade, including that which is produced on the premises, shall not require receipt or delivery of merchandise, goods, or equipment by other than U.S. postal service mail, similar parcel delivery service, or by a private passenger automobile or up to a three-quarter (³/₄) ton pickup truck.
- J. **Commercial Vehicles:** Irrespective of subsection I of this section, the home occupation shall not involve vehicles over seven thousand (7,000) pounds or trailers parked on the premises in a place that is visible from adjoining property or public rights of way, which identifies by sign, logo, or emblem the occupation, business, or activity. This restriction is exempted in the CG district, where commercial vehicles are allowed.
- K. **Nuisance:** The home occupation shall not create or cause any perceptible noise, glare, odor, smoke, electrical interference, or vibrations that constitute a public or private nuisance to neighboring properties.
- L. **Risk:** The home occupation shall not be more dangerous to life, personal safety, or property than any other activity ordinarily carried on with respect to a dwelling unit used solely for residential purposes.
- M. **Parking:**

1. Parking for no more than five (5) vehicles is permitted unless located in the CG district.
2. Parking spaces shall not be located in the required front yard.

N. Hours Of Operation: Home occupations shall not be generally open to the public at times earlier than six o'clock (6:00) A.M. nor later than ten o'clock (10:00) P.M.

O. Prohibited Operations: The following uses are prohibited as home occupations:

1. Retail sales.
2. Professional services, teaching, counseling, instruction, or any group activity involving more than five (5) persons at a time. The performance of religious rites shall be exempted from this provision.
3. Storage of hazardous materials. (Ord. 10-001, 1-12-2010)

8-2-3-6: LOADING, TRUCK ACCESS, AND WASTE STORAGE:

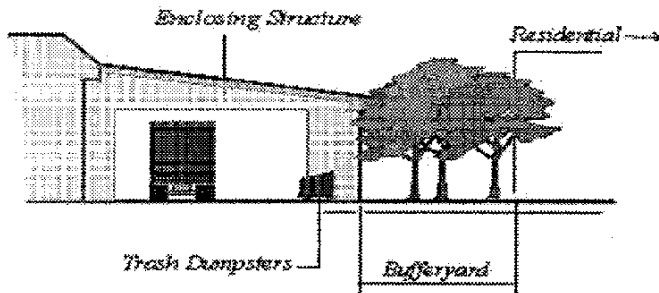
Where loading and truck access is located in any yard that abuts a residential use or vacant property that can only be used for residential purposes, the following shall be required:

- A. Landscaping: The entire area shall be screened by a landscaped buffer, as required by the landscaping requirements in chapter 9, "Landscaping And Tree Protection", of this title.
- B. Berm: A six foot (6') or taller berm or low maintenance, durable solid fence or wall shall be provided.
- C. Roof Enclosure: An alternative to subsections A and B of this section is to place the loading and truck access activities within a structure, as indicated in figure 8-2-3-6, "Roof Enclosure", of this section.

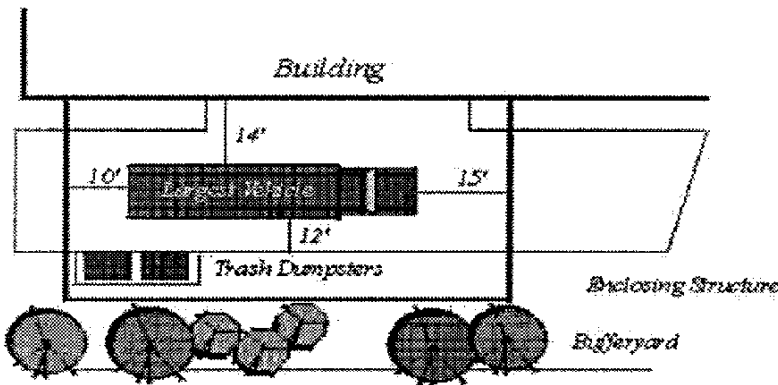
FIGURE 8-2-3-6

ROOF ENCLOSURE

ENCLOSURE FOR LOADING AND TRUCK ACCESS-- SECTION



ENCLOSURE FOR LOADING AND TRUCK ACCESS -- PLAN



(Ord. 10-001, 1-12-2010)

8-2-3-7: LIGHT AUTOMOBILE SERVICE:

A. Pump And Canopy Setbacks: Gasoline dispensing pumps and service station canopy roofs shall be set back fifteen feet (15') from all street frontages.

B. Canopy Design:

1. Canopies shall use a similar architectural style, materials, and roofing as the principal building.
2. Canopies shall not be used as an extension of signage beyond that which is allowed in chapter 5, "Signs", of this title.
3. The trim of the canopy shall not be internally or externally illuminated. (Ord. 10-001, 1-12-2010)

8-2-3-8: OUTDOOR DISPLAY OF MERCHANDISE:

A. Items For Sale: Outdoor displays of merchandise by retail businesses are permitted if the outdoor display area involves items for sale by a commercial retailer located within a permanent structure or designated area on the same site.

B. Restrictions: Outdoor displays of merchandise are allowed on a continuous basis provided that they:

1. Are located adjacent to a principal structure wall and extending to a distance of no more than fifteen feet (15') from the wall;
2. Inclusive of subsection A of this section, are located outside of the public right of way and/or at least fifteen feet (15') from the back edge of the adjacent curb or street pavement;
3. Do not block windows, entrances, or exits;
4. Do not cover more than one-half ($1/2$) of the width of a pedestrian walkway, leaving a minimum of five feet (5') between the storefront and the curb, or otherwise impede in any way the ability of pedestrians to access the building;
5. Do not exceed fifteen percent (15%) of the building's ground floor area or one thousand (1,000) square feet, whichever is less;
6. Do not reduce the capacity of the parking areas required by this title;
7. Allow multiple items to be displayed on a rack, but not stacked upon each other.
8. Do not include any display that exceeds fifteen feet (15') in height. (Ord. 10-001, 1-12-2010)

8-2-3-9: OUTDOOR STORAGE OF COMMERCIAL GOODS:
 New outdoor storage is prohibited except as provided in this section.

A. Limitations: The following standards apply to exterior storage, unless otherwise specifically permitted:

1. Agricultural (A) district: Outdoor storage is permitted only on farmsteads and must be related to a home business or permitted commercial activity. The area shall be screened by a hedge or fence from residential neighbors within one hundred fifty feet (150') and from public streets. The storage area shall occupy no more than one percent (1%) of the property or twenty thousand (20,000) square feet, whichever is less.
2. Commercial general (CG) and commercial interchange (CI) districts:
 - a. Storage is limited to goods actually sold on the premises of the occupancy.
 - b. Outdoor storage area is limited to five percent (5%) of the building's floor area.
 - c. Storage areas shall be designed to blend with the building facade and screened with a wall in the same architectural materials as the building.
3. Industrial (I) district:
 - a. Storage is limited to materials used in manufacturing on the site or to finished or partially finished goods after manufacture on the site. Cargo in transit and cargo containers are regulated by section 8-2-5-20, "Outdoor Cargo Container Storage And Handling Facilities", of this chapter.
 - b. If located within five hundred feet (500') from a property line, the outdoor storage area shall be screened from the street by the building. Where this is not achieved, then it shall be fully screened with landscaping.
 - c. The storage area shall not exceed fifteen percent (15%) of the building area unless a special use permit is obtained. Required screening for a special use may include, but is not limited to, opaque landscaping or screening as described below.

B. Screening:

1. Except in the industrial (I) district, all exterior or outdoor storage shall be enclosed by a wall, berm, or opaque fence of sufficient height to fully screen the stored materials from public view.
2. If a fence, rather than a solid wall, is used, then shrubs shall be planted outside the fence at a maximum of thirty six inches (36") on center around the entire periphery of the storage area. (Ord. 10-001, 1-12-2010)

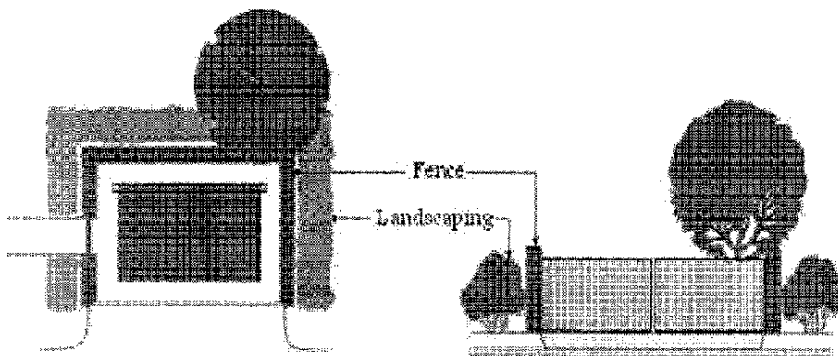
8-2-3-10: OUTDOOR STORAGE OF REFUSE:

A. Commercial, Institutional, Multi-Family Residential, And Industrial Uses: Trash enclosures for commercial, institutional, multi-family residential and industrial uses shall be screened according to the following standards:

1. Accessory Waste/Trash Storage Screening: Metal refuse containers, waste bins, and similar common waste storage facilities shall be fully enclosed with a one hundred percent (100%) opaque wooden fence, masonry wall, or earthen berms. The required enclosure shall have wooden gates, which must remain closed. The area shall be landscaped on three (3) sides as indicated in figure 8-2-3-10, "Roofless Trash Enclosure", of this section.

FIGURE 8-2-3-10

ROOFLESS TRASH ENCLOSURE



(Ord. 10-001, 1-12-2010)

8-2-3-11: RESIDENTIAL DEVELOPMENT:

A. Agricultural And Agricultural Residential Lot Splits: Single-family detached dwellings are permitted in both the agricultural (A) and the agricultural residential (AR) zoning districts as follows:

1. Agricultural And Agricultural Residential Zoning Districts Minimum Lot Size Requirements: A and AR zoning districts are allowed to have only one lot for a dwelling that is a minimum of 1.5 acres in size. The lot or tract of the land must be a lot of record as of July 8, 1980. Exceptions are only permitted for attached accessory units. (See section 8-2-3-2, "Accessory Structures", of this chapter.)

2. Survey And Recording Of Lots: Prior to the establishment of a residential lot, a legal description of the plat of survey, approved by a registered surveyor, of the proposed residential lot shall be provided. This survey shall show the lot lines of each lot(s) and the overall tract used to satisfy the five (5) acres per dwelling unit density requirements. The agricultural tract used to satisfy the density requirements must be surveyed and must be recorded in the office of the recorder of deeds.

3. Agricultural Residential Maximum Number Of Units: One additional dwelling unit up to a maximum of seven (7) additional units shall be permitted for lots of record as of July 8, 1980, provided the overall tract of land on which the lots are to be located contain an additional three (3) acres or more for each such dwelling unit.

4. Adjustment Of Minimum Lot Size: The minimum lot size may be increased subject to plan policies and/or septic system standards.

B. Extensions Of Residential Lots: In order to retain agricultural land in agricultural use and in order to provide for low density residential development on lands poorly suited to agricultural use in the agricultural (A) district, peninsular extensions of residential lots to the required public right of way may be granted.

1. The residential lots shall conform to subsection A of this section and the conditions of this subsection A when the proposed residential lot:
 - a. Is made up of more than fifty percent (50%) of nonprime soils as defined in the county's land evaluation and site assessment (LESA); or
 - b. Is a lot of record at the effective date hereof which is five (5) acres or less in size; or
 - c. Is a lot of record at the effective date hereof which is more than five (5) acres, but less than 10.01 acres in size and is neither square nor rectangular in shape; or
 - d. Is classified as woodlands where more than fifty percent (50%) of the acreage of the lot contains deciduous or evergreen trees; or
 - e. Is classified as nonfloodplain where more than fifty percent (50%) of the acreage of the lot is not in a floodplain as determined by the latest national flood insurance program flood insurance rate map.

Peninsular extensions are excluded from computation of the minimum lot area.

2. Access driveways on said peninsular extensions shall meet the following minimum standards:

- a. A minimum driveway width of eighteen feet (18') and a clearance of thirteen feet six inches (13'6") above grade.
- b. A driveway greater than two hundred feet (200') in length must receive specific design approval from the fire protection district in which it is located.
- c. A spacing requirement such that any access driveway must be separated from the nearest access driveway along the same road by at least:
 - (1) One thousand five hundred feet (1,500') if average daily traffic on the road is five hundred (500) or more vehicles per day.
 - (2) One thousand two hundred fifty feet (1,250') if average daily traffic on the road is between two hundred fifty (250) and four hundred ninety nine (499) vehicles per day.
 - (3) One thousand feet (1,000') if average daily traffic on the road is two hundred forty nine (249) or fewer vehicles per day.

Average daily traffic is to be determined by the most recent Illinois department of transportation map for the county.

- d. Existing farmhouses with existing access driveways shall be exempt from the driveway standards above.
- e. A zoning certificate will be required for residential lots with peninsular extensions to the required public road.
- f. Shared access driveways on peninsular extensions shall be allowed; provided, that shared driveway access shall be to no more than three (3) residential lots. (Ord. 10-001, 1-12-2010)

8-2-3-12: RESIDENTIAL STORAGE OF TRAILERS AND BOATS:

The following provisions shall apply to the temporary storage of trailers and boats on residential parcels:

A. Trailers: Camping trailers, travel trailers, and other trailers (not including mobile homes) shall only be permitted:

1. In a lawfully established camping area; or
2. On a lot lawfully used for the sale, rental, repair, storage, or manufacture of such trailers, and then only when not used for dwelling or camping purposes; or
3. On a lot containing a single-family detached dwelling; provided that only one such trailer is permitted on each such lot. Furthermore, that such trailer, be stored or parked in the rear yard at any time or in the front yard from May 1 through November 1.
4. Temporary residential use during construction of a permanent residential unit for a period not to exceed twenty four (24) months.

B. Boats: One boat owned by the occupant of the dwelling may be stored or parked at any time in the rear yard of a lot containing a single-family detached dwelling, or in the front or side yard from April 1 to November 1 provided no major repair, disassembly, or rebuilding operations are conducted thereon. (Ord. 10-001, 1-12-2010)

8-2-3-13: RESIDENTIAL STORAGE (INDOOR) AND UTILITY SHEDS:

One or more storage buildings are permitted on a residential lot provided that the following standards are met:

- A. Design: The storage building shall be a permanent structure that is designed for storage use. Converted semitrailers, manufactured homes, modular shipping containers, refuse containers, or similar structures or equipment shall not be used for storage.
- B. Occupancy: Storage and utility buildings shall not be used for human habitation.
- C. Location: Storage and utility sheds shall be erected in accordance with the provisions of section 8-2-3-2, "Table 8-2-3-2, Permitted Locations Of Accessory Uses", of this chapter.
- D. Height: The structure shall not exceed twenty five feet (25') in height. (Ord. 10-001, 1-12-2010)

8-2-3-14: SMALL SCALE WIND ENERGY CONVERSION SYSTEMS:

A. Accessory Use: Small scale wind energy conversion systems (S-SWECS) are allowed as an accessory use and structure in all zoning districts, subject to the following requirements:

1. Height: The total height of a S-SWECS tower with blade or a meteorological tower used in conjunction with the S-SWECS shall not exceed one hundred feet (100') unless specifically allowed by the county board.
2. Setbacks: The setback of the towers shall not be less than the following:
 - a. Lot lines: 1.1 times the total height of the structure.
 - b. Pipelines and public rights of way: 1.1 times the total height of the structure.
 - c. Public roads: 1.1 times the total height of the structure.
 - d. Power or communication transmission line above or below ground: 1.1 times the total height of the structure.
 - e. Highways: 1.1 times the total height of the structure.
 - f. Inhabited structures on adjacent lands: 1.1 times the total height of the structure.
3. Color, Finish, And Appearance: The tower and the blades of the S-SWECS shall be nonreflective and unobtrusive color that will aid in blending the system to the environment. The finish of the tower and the blades shall be matte and nonreflective. No lettering, company insignia, advertising or graphics shall be on any part of the tower, hub, or blades.
4. Blade Clearance: The vertical distance from the grade to the tip of the wind turbine blade when the blade is at its lowest point must be at least twenty five feet (25').
5. Lighting: No glare shall extend beyond the boundaries of the S-SWECS. The applicant shall utilize the least intrusive lighting possible.
6. Landscaping: Applicant shall minimize the disruption of natural environment, retain existing vegetation and native plant species to the maximum extent feasible, and replant with native vegetation if existing vegetation is disturbed during construction. Landscaping shall be used as part of screening from adjacent properties or public view.
7. Federal And State Requirement Compliance: The S-SWECS shall meet or exceed any standards and regulations of the FAA and any other agency of the state or federal government with the authority to regulate S-SWECS.
8. Power Lines: All electrical control wiring and power lines shall be wireless or not aboveground.
9. Sound Pressure Level: The sound pressure level generated by a S-SWECS shall comply with all Illinois pollution control board (hereafter referred to as IPCB) noise regulations and in no event shall a S-SWECS exceed fifty five (55) dB at any point on adjacent properties. The applicant must immediately cease any violation of the IPCB regulations unless said violation is excused and waived by the affected landowners and occupants.
10. Safety/Climb Prevention: All S-SWECS shall be designed to prevent unauthorized access to electrical and mechanical components or access to the towers on the site. All towers shall not be climbable from the ground to fifteen feet (15') aboveground, and all access doors to towers and equipment shall be lockable.
11. Waste Disposal: All solid waste generated from supplies, equipment, parts, packaging, or operation of the facility shall be removed from the site immediately and disposed of in an appropriate manner. Any hazardous waste that is generated by the facility, including, but not limited to, lubricating materials, shall be removed consistent with all local, state, and federal rules and regulations.
12. Conformance To Industry And Code Standards/Engineer Certification: The S-SWECS shall comply with all applicable local and county codes for the electrical, mechanical, and structural components of the facility. All documents provided for review shall be stamped and signed by a professional engineer.
13. Electronic Interference: The S-SWECS shall not cause microwave, television, radio or navigation interference contrary to federal communication commission (FCC) rules and regulations or any other laws pertaining to electronic interference issues.
14. Braking Systems: The owner of the S-SWECS shall have the ability to immediately cease operation of the system during an emergency. The system itself shall be equipped with an emergency braking system.
15. Signage: No signs, banners or flags shall be placed on the S-SWECS with the exception of the required identifications provided by the manufacturer and any warnings thereto.

B. Administration And Review: A site plan shall be provided to the land use department that indicates the following:

1. Location, setbacks, exterior dimensions and square footage of all structures on the owner's property.
2. Location of any existing waterways, wetlands, and 100-year floodplains, sanitary sewers, storm sewer systems, and water distribution systems.
3. Location of any overhead power lines.
4. The locations and the expected duration of shadow flicker caused by the S-SWECS system. (Ord. 10-001, 1-12-2010)

8-2-3-15: VEHICLE SALES:

A. General: Except as specified below, it is unlawful to display any vehicles, including automobiles, boats, lawn equipment, all-terrain vehicles, or other similar items, for sale or lease, unless the sale of such items is permitted within the district and the current certificate of occupancy for the location has been obtained from the county.

B. Exceptions:

1. The vehicle must be a private vehicle, owned by the occupant.
2. Such private vehicle, boat, trailer, or recreational vehicle is in operating condition.
3. No portion of the vehicle shall be placed on the public right of way.
4. No more than one vehicle at any time shall be offered for sale. (Ord. 10-001, 1-12-2010)

8-2-3-16: VISION CLEARANCE FOR CORNER LOTS:

To avoid obstructing the sight lines of traffic approaching an intersection, the following provisions shall apply to corner lots within any part of a yard located within a radius of twenty five feet (25') from the intersection of two (2) street right of way lines forming the lot corner:

- A. Ground Plantings: No structures, objects, or shrubbery shall be erected or placed having a height more than thirty inches (30") above the ground grade within this area.
- B. Maintenance Of Trees And Branches: Any trees planted in such areas shall be maintained in a manner that they shall not have branches lower than eight feet (8') above the ground grade elevation of the area. (Ord. 10-001, 1-12-2010)

8-2-4: ADMINISTRATIVE REVIEW USE STANDARDS:

This section 8-2-4 sets forth the specific standards to mitigate potential impact of land uses that would otherwise be approved unconditionally. These uses are referenced in the land use tables presented in section 8-2-2-1, "Land Use Tables", of this chapter. (Ord. 10-001, 1-12-2010)

8-2-4-1: BOARDING/RIDING STABLES:

Boarding/riding stables may be permitted in the agricultural (A), agricultural residential (AR), planned residential (PR), and residential (R) districts, subject to administrative review that demonstrates that the following provisions are met:

- A. The maximum number of horses allowed shall be based on the subject property's lot size and shall be determined as follows:
 - 1. One horse for the first two (2) acres.
 - 2. One horse for each additional one-half ($\frac{1}{2}$) acre above two (2) acres.
- B. The stables must be located at least one hundred feet (100') from all property lines.
- C. Rental of stable space is permitted; however, no group riding lessons or public events shall be allowed. (Ord. 10-001, 1-12-2010)

8-2-4-2: AIRPORTS:

Airports shall be permitted in the agricultural (A) and industrial (I) districts, subject to administrative review that demonstrates that the following provisions are met:

- A. Minimum Site Area: The minimum site area for this use shall be three hundred (300) acres.
- B. Noise Impact: All airport development shall be submitted with a noise impact assessment. The assessment shall identify the initial and twenty (20) year projected day-night level (DNL) noise contour lines beginning with 50 DNL and proceeding to 75 DNL. The following standards shall be met:
 - 1. Airport Boundary: The twenty (20) year, 65 DNL line shall lie completely within airport property or land that has been granted a noise easement.
 - 2. 55 DNL Limited Development Area:
 - a. No new residential development shall be permitted within the 55 DNL line. If for some reason a new residential use must be permitted, the building shall have insulation and windows that limit aircraft noise within the building to 50 DNL. The applicant shall demonstrate that there is no residentially zoned land in the 55 DNL area or that noise easements have been granted to the airport.
 - b. Existing residential uses shall have five (5) years to remodel to provide insulation meeting the standards in subsection B2a of this section.
 - c. If the 55 DNL area expands, a zoning and land use plan for all land within the 55 DNL noise contour shall be submitted. This plan shall indicate the feasibility of restricting such land to nonresidential uses. Airport approval shall be based on the ability to minimize noise intrusion into existing residential areas and to prohibit new residential development that would hinder future airport expansion.
 - d. Once established, the county shall require all rezonings or development approvals that would permit residential use within the 55 DNL noise contour to record the noise contours on the property. In addition, all developments and all individual lot surveys shall show the noise contours, with an accompanying warning indicating the county will not restrain future airport growth because of residential development inside the 55 DNL noise contour. (Ord. 10-001, 1-12-2010)

8-2-4-3: BED AND BREAKFAST:

A bed and breakfast shall be permitted in the agricultural (A), agricultural residential (AR), planned residential (PR), residential (R), and commercial general (CG) districts subject to administrative review that demonstrates that the following provisions are met:

- A. Number Of Units: No more than five (5) rooms shall be available for clientele occupancy.
- B. Building: The bed and breakfast is a reuse of an existing single-family building having a minimum floor area of two thousand (2,000) square feet. Additions shall amount to no more than sixty percent (60%) of the total floor area, subject to the provisions of chapter 3, "District Intensity And Bulk Standards", of this title.
- C. Signs: Signs must be constructed of wood or other durable, nonplastic material and shall be affixed flat against the principal structure or constructed as a monument sign that is no more than four feet (4') in total height. The maximum sign area is as follows:
 - 1. In the agricultural (A) district: Sixteen (16) square feet.
 - 2. Other districts where permitted as a special use: Five (5) square feet.
- D. Parking: Bed and breakfast uses must provide for all parking off street, which shall be fully screened from adjoining land uses by hedges and canopy trees. The director may permit on street parking to be substituted for off street parking upon determining that the street can accommodate the required parking and that off street parking would be detrimental to the character of the area. (Ord. 10-001, 1-12-2010)

8-2-4-4: BORROW PITS:

Borrow pits for interchange and highway projects may be permitted in the agricultural (A) and the agricultural residential (AR) zoning districts. The construction of the borrow pits shall be subject to an administrative review by the development review committee and demonstrate compliance with the following provisions:

- A. Borrow pits shall comply with the requirements of the Grundy County stormwater ordinance.
- B. The borrow pit shall be located such that any point along the bank of the pit is not closer than seventy five feet (75') from any part of an underground and/or aboveground septic tank or well system.

C. A setback of twenty five feet (25') shall be established between the right of way, easement access point and property lines of the parcel shall be established.

D. The maximum size of a borrow pit shall not exceed one-third ($\frac{1}{3}$) of the parcel and shall be constructed on a lot that has a minimum size of one acre. For parcels that are ten (10) acres or greater in size the borrow pit shall not be larger than twenty five percent (25%) of the parcel in which it is intended to be located.

E. Prior to the excavation of the borrow pit, the excavator shall install a fence to surround the pit that is six feet (6') in height, lockable and equipped with a knock box that is accessible by the jurisdictional fire district. Once the borrow pit has been completed and excavation has ceased, the fence shall be removed. (Ord. 2012-010, 4-10-2012)

8-2-4-5: CARGO CONTAINER STORAGE UNIT:

Cargo containers are permitted as an administrative use in A agricultural zoning districts. All cargo containers used in A agricultural zoning districts need to comply with the following requirements:

A. Location:

1. Shall be placed in the rear yard of the property.
2. Placed five hundred feet (500'0") from lot lines.
3. Cargo container(s) shall be placed a minimum of ten feet (10'0") from any residential or accessory structures on the property.
4. Cargo containers shall not be placed within the limits of the floodplain in accordance with the floodplain administrator.

B. Lot Size And Limit Of Number Of Containers: The ratio of amount of cargo containers allowed per acre is one cargo container per fifty (50) acres. No more than four (4) cargo containers maximum is allowed.

C. Limitations In Use:

1. The cargo container(s) shall be limited to agricultural uses only and shall conform to all requirements set forth by the state and federal requirements.
2. Stacking cargo containers is prohibited.
3. Cargo container(s) shall be placed such that the container(s) is not in view of adjacent properties.
4. Cargo container(s) shall be supported to prevent shifting of the structure.
5. Cargo container(s) shall be a single neutral color.

D. Housing Of Livestock: Cargo containers used as shelter of livestock for agricultural purposes shall have the proper ventilation, and sanitation for the animals housed. The cargo containers shall comply with all state, federal and Grundy County codes for the storage of these animals. (Ord. 2011-012, 7-12-2011; amd. Ord. 2012-010, 4-10-2012)

8-2-4-6: GROUP HOMES:

Group homes are permitted in the agricultural (A), agricultural residential (AR), planned residential (PR), and residential (R) districts, subject to administrative review that determines that the following requirements are met:

- A. The use is situated in a single-family building.
- B. The building existed on the effective date of this UDO. (Ord. 10-001, 1-12-2010; amd. Ord. 2011-012, 7-12-2011; Ord. 2012-010, 4-10-2012)

8-2-4-7: CHICKEN KEEPING:

Chickens may be permitted in R residential districts, PR, and R-200 zoning districts as a permitted use. The following regulations shall be applied:

- A. Minimum lot size for the keeping of chickens is one-half ($\frac{1}{2}$) acre. The ratio of chickens to area shall be a maximum of six (6) hens per half acre.
- B. No roosters are allowed to be kept on the parcel.
- C. All chickens shall be kept within a coop that is located in the rear of the parcel. The rear yard shall be completely enclosed with a four foot (4') high fence. The coop shall be a minimum of twenty-five feet (25') from the adjacent lot lines of residentially used lots and ten feet (10') from non-residential lot lines.
- D. Coops shall be at least four feet (4') in height and allow for a minimum of six (6) sf per hen. The owner shall be registered with the Illinois Department of Agriculture, and be compliant with the Grundy County Health Department and other county regulations.
- E. All coops shall be kept in a sanitary condition, dry, be properly ventilated, and predator-proof.
- F. Food shall be kept in a predator-proof container and inside a secure structure.
- G. All chickens shall be handled in a sanitary manner, be properly fed, and provided clean water daily.
- H. All animal byproducts and waste shall be collected on a daily basis. Chicken manure may be kept in a three (3) cubic foot container and all other waste should be properly disposed of.
- I. Odors from the chickens, chicken manure, or other substances related to chicken keeping shall not be considered a nuisance beyond the lot lines of the parcel in which they are kept.
- J. Chickens shall be protected against predators and rodents through a fenced in areas for the chickens.
- K. Sales of eggs and/or fowl are prohibited on the property. (Ord. 2012-011, 4-10-2012; amd. Ord. 2020-003, 1-14-2020; Ord. 2021-037, 11-9-2021)

8-2-4-8: PUBLIC SERVICE FACILITY:

Public service facilities shall be permitted in the agricultural (A), agricultural residential (AR), planned residential (PR), residential (R), and industrial (I) districts, subject to administrative review that demonstrates that the following provisions are met:

A. Building Character: The building accommodating the public service use has a physical character that resembles other uses that are commonly found in the district in which it is located.

B. Buffer: If the public service use is a structure that is not a building, then it is buffered on all sides with a landscape buffer pursuant to the requirements of section 8-9-3, "Landscaping And Buffer Areas", of this title. (Ord. 10-001, 1-12-2010; amd. Ord. 2011-012, 7-12-2011; Ord. 2012-010, 4-10-2012; Ord. 2012-011, 4-10-2012)

8-2-4-9: RESTAURANT:

Restaurants shall be allowed in the agricultural (A) and industrial (I) districts subject to the following administrative review provisions:

- A. Maximum Floor Area: The restaurant has a floor area of less than ten thousand (10,000) square feet.
- B. Location: It shall be located on a farmstead.
- C. Capacity: Customer seating capacity shall be limited to forty (40) persons.
- D. Building Design: The restaurant building shall have the architecture and character of the existing rural setting. (Ord. 10-001, 1-12-2010; amd. Ord. 2011-012, 7-12-2011; Ord. 2012-010, 4-10-2012; Ord. 2012-011, 4-10-2012)

8-2-4-10: SINGLE-FAMILY DETACHED DWELLINGS:

Single-family detached dwellings shall be permitted in the agricultural (A) district subject to review that determines that the following requirements are met:

- A. Vesting: Development shall only be permitted on a lot of record as of July 8, 1980.
- B. Maximum Number Of Dwellings: No more than five (5) dwellings shall be permitted.
- C. Density:
 - 1. Each lot split requires that twenty (20) acres of land is reserved for agricultural or preservation purposes.
 - 2. Therefore, there shall be only one lot of a minimum of 1.5 acres for one division and all other divisions shall be a minimum of five (5) acres in size. Each lot of division shall have twenty (20) acres of agricultural land reserved in perpetuity for agricultural uses.
 - 3. The overall acreage for an agricultural tract of land shall not be considered to be reduced by the director for determining the number of permitted dwellings due to the transfer of a portion of said tract or land for purposes of pipeline or state, county, or township road rights of way.
- D. Lot Configuration:
 - 1. The minimum lot size shall be 1.5 acres.
 - 2. The minimum lot width shall be one hundred seventy feet (170').
 - 3. The newly created lots shall be contiguous with each other and shall share a joint entrance to an existing township or county road or to a state highway.
- E. Subdivision Required: The following provisions are required for lots that are less than five (5) acres or any lot that does not have frontage on a public road:
 - 1. Prior to establishment of a new residential lot, a legal description and plat of survey by a registered land surveyor of the proposed residential lot(s) shall be provided showing the lot lines of such lot(s).
 - 2. The plat shall be approved in accordance with section 8-6-2, "Application Submittal Requirements", of this title. (Ord. 10-001, 1-12-2010; amd. Ord. 2011-012, 7-12-2011; Ord. 2012-010, 4-10-2012; Ord. 2012-011, 4-10-2012)

8-2-4-11: SOLAR COLLECTOR SYSTEMS:

A. Purpose: The purpose of this section is to provide regulations for the permitting of individual solar collector systems as an administrative use for all zoning districts. This section includes regulations for the construction of roof mounted, building integrated photovoltaic, pole mounted, and ground mounted solar collector units in regard to total height, setback provisions, and reflection. This section makes the distinction that individual solar collector systems shall be classified as accessory structures.

B. Definitions:

INDIVIDUAL SOLAR COLLECTION SYSTEMS: A panel or other solar device that is capable of collecting, storing, or transmitting at least twenty five thousand (25,000) btus. A solar collector may be a photovoltaic, plate type designed to convert solar energy into electric energy, or a structural element that is designed to collect solar energy and transmit it to internal spaces for heating. The following are definitions of the type of systems that this section will regulate:

Building Integrated Photovoltaic Unit: A system that is integrated into the structure of that building. Some examples of this are roofing tiles, carports, awnings, and curtain walls.

Ground Mount: A solar collector system in which an array is mounted onto the ground such as a wedge structure constructed from steel supports that are anchored into concrete footings. The structure itself is built from aluminum or galvanized steel.

Pole Mount: A solar collector system that consists of an array that is mounted on top of a single steel pole which is affixed to the ground. Pole mounted units have the capability of being pitched such that the angle of the array may be altered during the year to optimize the amount of solar energy collected.

Roof Mount: A solar collector system with an array of solar panels that are located on the roof of a structure. The solar collector system shall be installed such that it is attached directly to and supported by a structural member of the building.

SOLAR ENERGY: Radiant energy that is received through direct, diffuse, or reflected means from the sun.

SOLAR RIGHT: A property owner has the right to have an unobstructed line of sight path from a solar collector to the sun which permits radiation from the sun to be collected. The extent of the solar right is the amount of illumination provided by the path of the sun on a winter solstice day.

WINTER SOLSTICE DAY: On December 21 which marks the beginning of winter in the northern hemisphere when the sun reaches its most southern point.

C. Solar Panel Requirements: Certification of the solar collection system in accordance with the Solar Collector And Certification Corporation (SRCC) and all manufacturers' installation instructions shall be provided to the Grundy County building and zoning officer. All solar collection systems shall be limited to one hundred twenty percent (120%) of the electrical and/or thermal energy requirements of the structure as determined by a contractor licensed to install such systems. Solar collection systems connected to the electrical utility grid system may be installed once an

interconnected customer-owner agreement is reached. This agreement shall be provided to the building and zoning officer at the time of building permit application submittal.

In the event of a power failure, solar collection systems that are interconnected to the grid system shall shut down until full power is restored by the electrical utility company. The solar collector electrical components need to be marked as such for emergency responders with an appropriate warning and guidance. Marking material shall be weather resistant in accordance with UL 969. An emergency shutoff mechanism shall be installed and notice of its location shall be provided for emergency responders. All solar collectors shall be certified by a third party and comply with all Grundy County building code requirements and manufacturer's installation instructions.

Owners of solar collector systems shall have solar rights to collecting solar energy from their property for their energy consumption.

Solar collector systems shall not be placed in the vicinity of any airport in a manner that would interfere with airport flight patterns.

The following requirements shall be applied to all installations of individual solar collection systems:

1. Ground Mounted And Pole Mounted Solar Collection Systems:

- a. The parcel in which the ground mounted or pole mounted solar collection systems are to be installed shall be a minimum of one acre in size and shall not exceed twenty percent (20%) of the lot area.
- b. Setbacks for the installation of the solar collection system shall meet with the requirements of the zoning district in which it is located.
- c. Solar collectors shall be considered to be accessory to the main structure of the parcel.
- d. All pole mounted solar collection system installations shall be within the side and rear yard of the property and shall be limited in height to twenty feet (20').
- e. All exterior electrical or plumbing lines serving the solar collector system shall be buried below the surface of the ground in accordance with the requirements of the Grundy County building code.
- f. Ground mounted solar collectors (including framework) shall not exceed a height of six feet (6') above grade.
- g. Reflection angles from the solar collector systems' surfaces shall be oriented away from adjacent structures that are constructed on adjacent properties or roadways.
- h. All mechanical equipment of the solar collection system such as storage cells or batteries shall be enclosed with a minimum six foot (6') fence that is self-locking.

2. Roof Mounted And Building Integrated Photovoltaic Solar Collection Systems:

- a. All exterior electrical and plumbing lines and components that serve these systems shall be buried below the surface of the ground and comply with the requirements of the Grundy County building code.
- b. Conduit lines that run below the roof sheathing shall be installed such that they are below the roof deck by a depth of ten inches (10") and are not installed such that they are perpendicular to roof rafters.
- c. Reflection angles from collector surfaces shall be oriented away from adjacent structures constructed on adjacent properties.
- d. Roof mounted units or building integrated photovoltaic solar collection systems (tiles) shall be installed such that they do not exceed the height restrictions of the zoning district in which they are located. A path of three feet (3') shall be provided from any peak, eave or valley of the roof for emergency accessibility and ventilation opportunities for emergency responders.

D. Application To The Building And Zoning Officer: All submittals to the building and zoning officer shall contain the following information in addition to that included on the application form:

1. Standard drawings of the solar collector system, including design and dimensions of panels, base, mounting poles, footings, and anchors. Overall height from natural grade to tip of the uppermost panel, and the square footage of the entire system structures shall be provided in the submittal.
2. Projected amount of energy created or offset of the solar collector shall be provided.
3. All manufacturer's installation and specification sheets shall be provided including all certifications. The installation instructions shall contain such items as the make, model, listing, size, weight, snow and wind load abilities of the solar collector system.

E. Site Plan: The following items shall be provided on the site plan submitted at the time of building permit application:

1. A scaled layout of the solar collector systems as proposed on the property or building. Site plans for the ground or pole mounted systems should include building envelope, base flood elevations (if necessary), location and footprint of the structures, adjacent roads and property lines.
2. The location of the panel installations, the main service location, and the locations of all equipment and disconnect.
3. Depiction and explanation of the main use of the property and the location of the adjacent buildings, trees, parking lot (if applicable) and landscaping. (Ord. 2012-016, 4-10-2012)

8-2-4-12: UTILITIES, COMMUNITY:

Community utilities shall be permitted in the commercial general (CG) district, subject to administrative review that determines that the following standards are met:

A. Buffer: The facility shall be surrounded by a landscape buffer 1.5 times the requirements of section 8-9-3, "Landscaping And Buffer Areas", of this title.

B. Design Compatibility: In the commercial general (CG) district, the design of the community utilities shall be compatible with the residential environment. Masonry walls, rather than fences, shall be used to screen the facility. The street faces shall be improved to provide continuation of the sidewalk areas, with landscaping designed to make the utility a part of the commercial area. (Ord. 10-001, 1-12-2010; amd. Ord. 2011-012, 7-12-2011; Ord. 2012-010, 4-10-2012; Ord. 2012-011, 4-10-2012; Ord. 2012-016, 4-10-2012)

8-2-4-13: UTILITIES, NEIGHBORHOOD:

Neighborhood utilities shall be permitted in the agricultural (A), agricultural residential (AR), planned residential (PR), residential (R), commercial general (CG), and commercial interchange (CI) districts, subject to administrative review that demonstrates that the following provisions are met:

- A. Utility Substations: Electrical, gas, or other utility substations shall be screened from view from public rights of way and abutting properties by:

1. Enclosure in structures that are designed to appear to be buildings; or
 2. Landscape buffer pursuant to section 8-9-3, "Landscaping And Buffer Areas", of this title, which may include a fence if necessary for safety or security reasons.
- B. Other Facilities: Lift stations, telephone switches, ground mounted transformers, and similar facilities shall be screened from view from public rights of way and abutting properties by:
1. Enclosure within a building; or
 2. Enclosure by a hedge composed of shrubs planted thirty six inches (36") on center and maintained at a height that is at least equal to the utility facility. A fence may be located behind the hedge if necessary for safety or security reasons. An opening on one side of the facility of a size that is sufficient to provide access is permitted, provided that it does not face a public right of way, unless otherwise required by the county engineer in the case of public facilities which require such access.
 - C. Buildings: Any building associated with a neighborhood utility facility shall be designed to be compatible with other buildings in the neighborhood. Design elements include facade and roofing materials, roof pitch, height and scale, and orientation of blank walls. (Ord. 10-001, 1-12-2010; amd. Ord. 2011-012, 7-12-2011; Ord. 2012-010, 4-10-2012; Ord. 2012-011, 4-10-2012; Ord. 2012-016, 4-10-2012)

8-2-4-14: BEEKEEPING:

Beekeeping is allowed as an administrative use as long as all of the following regulations are followed and maintained for the apiary. (Ord. 2021-018, 6-8-2021)

8-2-4-14-1: DENSITY OF HIVES:

Two hives and one nucleus hive shall be permitted on lots having a minimum of 10,000 sf in area. An additional hive and nucleus hive may be added for each additional 10,000 sf of area of the lots. (Ord. 2021-018, 6-8-2021)

8-2-4-14-2: LOCATION AND SETBACKS:

Colonies shall be placed in the rear or the side of the lots and shall have the following setback distances:

- 30'-0" from the side and rear property lines
- 100'-0" from any occupied structure on an adjacent lot
- 100'-0" from any street, public walkway, or front lot line
- 150'-0" from lot lines to sensitive use parcels

Orientation of the colonies shall be such that the entrance to the hives is oriented away from the closest adjacent property line. (Ord. 2021-018, 6-8-2021)

8-2-4-14-3: FENCING OF COLONIES:

For properties that are one acre or less, the colonies shall be secure with a fence that has a minimum height of four feet (4'-0") and prevents climbing. The gate(s) for this contained space shall be lockable to prevent entry by anyone but the beekeeper(s). (Ord. 2021-018, 6-8-2021)

8-2-4-14-4: SIGNAGE:

Signs shall be placed along the fencing for the colonies that is a maximum of ten inches (10") by one foot (1'-0") and faces outward stating the following, "Ill State Registered Beehive(s) on Property". Lettering for the sign shall be of contrasting color and be of a font that is legible. Signs shall be placed on each side of the contained space for the colonies. (Ord. 2021-018, 6-8-2021)

8-2-4-14-5: WATER AND FOOD SUPPLY:

A. A supply of fresh water for the bees needs to provide that is located a maximum distance of ten feet (10'-0") from the colonies. Water supply shall be provided once the outdoor ambient temperature is fifty degrees and rising for more than three days and when the bees are active.

B. Beekeeper shall ensure that there is a food source on the parcel such as a garden with native pollinator species that provides flowers throughout the growing season for nutrition of the colony. (Ord. 2021-018, 6-8-2021)

8-2-4-14-6: QUEENS:

All colonies shall have a marked queen. If at any time the colony exhibits unusual aggressive characteristics and/or the disposition to swarming, the beekeeper shall re-queen the colony immediately with another marked queen that is selected from European stock breed for gentleness. (Ord. 2021-018, 6-8-2021)

8-2-4-14-7: FLYWAY BARRIERS:

For lots that are less than one acre (43,560 sf) in size, a flyway barrier shall be provided such that a fence or maintained shrub that is six foot in height is placed between the colony and lot lines that forces the bees to fly at that elevation prior to entering into the hive. This flyway barrier shall extend five foot in each direction between the hive entrance and the property line. (Ord. 2021-018, 6-8-2021)

8-2-4-14-8: MAINTENANCE OF THE APIARY AND HIVES:

Beekeepers shall ensure that the materials for the colonies are kept in a good working condition and that the parcel and hives are kept clean and free of build-up of wax, comb or other materials that may encourage robbing by other bees or wildlife. Removal of materials from the colony shall be removed in sealed containers or placed within a building or other bee-proof such that those materials are not accessible to bees or their predators.

Hives shall be properly vented, predator-resistant, and designed for easy access for cleaning, maintenance and inspection. (Ord. 2021-018, 6-8-2021)

8-2-4-14-9: ADMINISTRATIVE ZONING PERMIT COMPLIANCE:

All beekeepers shall receive an Administrative Zoning Permit prior to the installation of their apiary. The following shall be provided along with the Apiary Compliance Application form to the Grundy County Land Use Department:

- A. Beekeeper shall be in compliance with the Illinois Bees and Apiaries Act (510 ILCS 20/).
- B. Beekeepers shall provide proof of a minimum of eight hours of successful education for beekeeping in compliance with State requirements.
- C. Colonies shall be registered with the Illinois Department of Agriculture.
- D. All site information and details that show compliance to all subsections of Section 8-2-4-14. (Ord. 2021-018, 6-8-2021)

8-2-5: SPECIAL USE STANDARDS:

This section 8-2-5 sets out specific standards to mitigate the impacts of administrative and special uses referenced in the land use tables presented

in section 8-2-2-1, "Land Use Tables", of this chapter. Additional standards may be applied as determined necessary. (Ord. 10-001, 1-12-2010)

8-2-5-1: ADULT USES:

Adult uses may be permitted as a special use in the industrial (I) district, subject to the following standards:

A. Separation: The following separation standards shall apply to all sexually oriented establishments:

1. No such use shall be located within a one thousand foot (1,000') radius of any other such use.
2. No such use shall be located within a one thousand foot (1,000') radius of any parcel located in a residential zoning district or portion of a planned unit development designated for residential purposes or a municipal boundary.
3. No such use shall be located within a one thousand foot (1,000') radius of any school whether public or private, daycare home or center or nursery, religious institution, park, playing field, pool or billiard hall, coin operated amusement center, dance center, ice or roller skating rinks or parks or other public recreational facility typically catering to minors, indoor or outdoor theaters, art gallery, museum, libraries, other areas where large numbers of minors travel or congregate.
4. The aforementioned separation and radius standards shall be measured in a straight line from the closest points between property line to property line, without regard to intervening structures or objects, for sexually oriented establishments that are located on a single tenant parcel. If said establishment is located within a multi-tenant building, the measurement shall be from the property line of the entire multi-tenant premises to the property line of other uses, without regard to the intervening structures or objects, which requires the separation.

B. Nearby Residential Occupancy: No such use shall be allowed within the same block or portion thereof where a residential occupancy exists.

C. Single Use Within Premises Or Building: Not more than one such use shall be located in one building or on one parcel or zoning lot.

D. Nonaccessory Use: No adult use shall be permitted to operate as an accessory use to another principal use.

E. Conduct Of Business: No sexually oriented establishment shall be conducted in any manner that permits the observation of any material depicting, describing, or relating to specified anatomical areas and/or specified sexual activities by display, decorations, signage, show window, or other opening from any public right of way.

F. Signage:

1. Signage for such establishments shall be subject to the applicable standards as set forth in section 8-5-4-4, "Signs Permitted In The Industrial (I) District", of this title.

2. Signage for such establishments shall not display any pictures, photographs, silhouettes, drawing, or other pictorial representations of a sexually oriented nature and may contain only the legal name and address of said establishment.

G. Hours Of Operation: Adult uses shall not operate between the hours of one o'clock (1:00) A.M. and seven o'clock (7:00) A.M. (Ord. 10-001, 1-12-2010)

8-2-5-2: AGRICULTURAL SUPPORT AND OTHER RURAL SERVICES:

Agricultural supplies, storage, and related uses may be permitted as a special use in the agricultural (A) district, subject to the requirements of this section.

A. Minimum Lot Size: Five (5) acres.

B. Minimum Setback Requirements:

1. Buildings: Thirty five feet (35'), all yards.
2. Bulk petroleum, LP/propane gas, and ammonia storage tanks: One hundred feet (100'), all yards.

C. Access: The site shall have frontage on and access to a collector or higher classification street, provided the county board may approve alternative access, based on the recommendations of the township road commissioners for township roads and by the county highway engineer for any county roads.

D. Screening: Trucks, tractors, portable storage tanks, and trailer or motorized agricultural implements shall be screened from view of any agricultural residential (AR), planned residential (PR), or residential (R) district boundary located within a five hundred foot (500') radius of the property.

E. Intended Purpose: Sales shall be primarily to serve the agricultural community. (Ord. 10-001, 1-12-2010)

8-2-5-3: CAMPGROUNDS AND RECREATIONAL VEHICLE PARKS:

Campgrounds and RV parks may be allowed as a special use in the agricultural (A) district, subject to the following provisions:

A. Residential Use Prohibited: No recreational vehicle or tent shall be used as a permanent place of residence.

B. Access: Site access shall be from an arterial or collector road.

C. Design And Operations: All facilities shall conform to the design and operations provisions contained in chapter 11, "Recreational Vehicle Parks And Campgrounds", of this title. (Ord. 10-001, 1-12-2010)

8-2-5-4: CAR WASH:

Car washes may be permitted as a special use in the commercial general (CG), commercial interchange (CI), and industrial (I) districts, subject to the following provisions:

A. Enclosure Required: All mechanical equipment, excluding self- service vacuum units, shall be enclosed within a building.

B. Preliminary Spraying And Drying Areas: All facilities shall be designed and configured such that any outdoor spraying preparation or drying activities are directed away from any abutting properties that are occupied or zoned for residential use, or that landscape treatment shall include a fence or wall to screen the drive-in facility from such properties.

C. Accommodation Of Trucks And Semitrailers: In the commercial interchange (CI) district, washing facilities shall be designed exclusively to accommodate semitrailers and large commercial trucks. (Ord. 10-001, 1-12-2010)

8-2-5-5: COLLEGE/UNIVERSITY:

A college or university may be permitted as a special use in the agricultural (A), commercial general (CG), and commercial interchange (CI) districts,

subject to the following provisions:

A. Campus Plan Required: The college or university shall submit a long range campus plan for approval that indicates the planned build out of the site.

B. Traffic Impact Study: This plan shall include a traffic impact study. (Ord. 10-001, 1-12-2010)

8-2-5-6: COMMERCIAL RETAIL:

Commercial retail uses may be permitted as a special use in the industrial (I) district, subject to the following provisions:

A. The use shall be either:

1. Collocated with a manufacturing use, selling products manufactured on site, with only incidental sales of other related items, or
2. Less than five thousand (5,000) square feet and located not less than two thousand feet (2,000') from any other commercial retail use in the I district that is not collocated with a manufacturing use. (Ord. 10-001, 1-12-2010)

8-2-5-7: CORRECTIONAL FACILITY:

Correctional facilities may be allowed as a special use in the industrial (I) district subject to the following provisions:

A. Spacing From Residences, Schools, And Daycare Facilities: The property lines of the protective care facility are at least one-half ($\frac{1}{2}$) mile away from the property lines of any property that is occupied by or zoned for residential purposes, schools, or daycare facilities.

B. Approval By State Regulating Authority: The design and operation of the protective care facility has been approved by the appropriate state regulating authority (e.g., the Illinois department of corrections).

C. Emergency Plan Required: The protective care facility has an emergency plan filed with the police, emergency services, and disaster and emergency agencies indicating that the facility has a plan ensuring against any form of emergency to protect the adjoining properties.

D. Traffic Impact Study Required: A traffic impact study, prepared by individuals or firms that perform traffic engineering and sealed by a professional engineer shall be submitted with the application for a special use permit. (Ord. 10-001, 1-12-2010)

8-2-5-8: DAYCARE FACILITY:

Daycare facilities may be allowed as a special use in the agricultural (A), planned residential (PR), and residential (R) districts subject to the following restrictions:

A. Compliance With Illinois Regulations: Daycare facilities shall either be exempt from Illinois licensing requirements (3 or fewer unrelated children) or meet the state licensing requirements for a daycare center, daycare home, or group daycare home.

B. Principal Use As Residential: The operator of the facility must live in the building.

C. Number Of Children: No more than eight (8) children, excluding children of the family providing daycare, shall be accommodated by a facility.

D. Location: Exempt and nonexempt facilities shall comply with the following exterior play area and other requirements:

1. Play Areas:

a. Uses shall provide an on site, fenced, outdoor play area, which shall have a fence beginning at ground level and extending to a minimum height of forty two inches (42"), so as to prevent children from crawling under or through the fence or otherwise becoming entrapped.

b. If the fenced outdoor play area is located within ten feet (10') of any property line, it shall be fully screened by shrubs or other vegetation with a minimum height equal to the fence height.

2. Pick Up/Drop Off: An off street pick up/drop off area shall be provided, which may be a driveway provided it is kept free of parked vehicles and other obstructions for such use.

3. Parking: One off street parking space per four (4) children shall be reserved for on site parking during the normal hours of operation. (Ord. 10-001, 1-12-2010)

8-2-5-9: DRIVE-IN/DRIVE-THROUGH FACILITY:

Accessory drive-in facilities may be allowed as a special use in the commercial general (CG), commercial interchange (CI), and industrial (I) districts subject to the following provisions:

A. Noise Buffer: Where the use abuts any residential zoning district, the ordering station shall be buffered with a wall and landscaping, in accordance with section 8-4-4-1, "Noise", of this title, to reduce noise transmission.

B. Outdoor Loudspeakers: The drive-in facilities shall be designed and configured such that the service area and outdoor loudspeakers are directed away from any abutting properties that are occupied or zoned for residential use. Landscape buffering shall include a fence or wall that screens the drive-in facility from such properties. (Ord. 10-001, 1-12-2010)

8-2-5-10: EXTRACTION:

Extraction may be permitted as a special use in the industrial (I) district subject to the following requirements:

A. Compliance With Illinois Regulations: Mining operations and provisions for reclamation shall be governed by applicable Illinois department of natural resources and office of mines and minerals regulations as adopted and amended from time to time.

1. The surface mined land conservation and reclamation act 1 .

2. The surface coal mining land conservation and reclamation act 2 .

B. Wellhead Protection Zone: Extraction uses are prohibited in wellhead protection zones.

C. Spacing: Extraction uses shall not be located closer than one thousand three hundred twenty feet (1,320') to any residential or educational occupancy or any municipal boundary.

D. Hours Of Operation: Extraction uses shall restrict hours of operation to seven o'clock (7:00) A.M. to six o'clock (6:00) P.M. weekdays and eight o'clock (8:00) A.M. to four o'clock (4:00) P.M. on Saturdays. Operations on Sunday are prohibited.

E. Reclamation Plan: A reclamation plan shall be submitted providing the following:

1. The ground surface shall be restored to a condition permitting one of the following uses: agriculture, residential, recreational (see subsection E2 of this section), or nonresidential. Either an escrow account or an annual fee shall be required, as approved by the Grundy County state's attorney and county board, to ensure that there are sufficient funds set aside to guarantee the restoration.

2. If future recreational use is identified, management of such use shall be established. Risks from any subsurface materials to future uses shall be identified.

3. Monitoring and postclosure maintenance plans shall be submitted and adequate funding provided.

F. Buffers: All buffers shall contain berms.

1. The buffer must be at least one hundred feet (100') inside the property boundary and used for an agricultural use or forested.

2. Noise studies shall be conducted to determine the berm's exact height based on the equipment operated at the site. The berm shall ensure the day-night level (DNL) does not exceed fifty five (55) dBA noise levels at the property line or any building with a line of sight to the property.

G. Ground And Surface Water: Different types of extraction uses have different potential impacts on groundwater. The following standards shall be applied to the review and approval of these uses:

1. The depth of natural soil and type of soil shall be reviewed. The county may impose requirements for drainage systems, monitoring, and pumping systems to prevent potential ground and surface water pollution.

2. Monitoring wells may be required.

3. An emergency response plan must be reviewed and approved. The county may impose fees or require security to ensure that an adequate emergency response fund is available. (Ord. 10-001, 1-12-2010)

Notes

¹ 1. 225 ILCS 715/1 et seq.

² 2. 225 ILCS 720/1.01 et seq.

8-2-5-11: GARDEN CENTER:

A garden center may be allowed as a special use in the agricultural (A) district, subject to the following provisions:

A. Separation: The site must be located at least three hundred feet (300') from the nearest residential district boundary.

B. Access: The premises shall abut and draw access from an arterial or collector street.

C. Site Development Plan Review: Site development plan approval, as specified in section 8-14-4, "Site Development Permit", of this title, is required for approval or expansion.

D. Traffic Impact Study May Be Required: A traffic impact study, prepared by individuals or firms that perform traffic engineering and sealed by a professional engineer, may be required by the land use department. (Ord. 10-001, 1-12-2010)

8-2-5-12: HEAVY RETAIL AND SERVICE:

A heavy retail establishment may be allowed as a special use in the commercial general (CG) district, subject to the following provisions:

A. Separation: The site must be located at least three hundred feet (300') from the nearest residential district boundary.

B. Access: The premises shall abut and draw access from an arterial or collector street.

C. Site Development Plan Review: Site development plan approval, as specified in section 8-14-4, "Site Development Permit", of this title, is required for approval or expansion.

D. Traffic Impact Study Required: A traffic impact study, prepared by individuals or firms that perform traffic engineering and sealed by a professional engineer, shall be submitted with the development application. (Ord. 10-001, 1-12-2010)

8-2-5-13: INSTITUTIONAL RESIDENTIAL:

Institutional residential use may be allowed as a special use in the agricultural (A), agricultural residential (AR), planned residential (PR), residential (R), and commercial general (CG) districts subject to the following requirements:

A. Access: Access to the use is provided by a street that is classified as collector or greater in capacity.

B. Building Character: In the planned residential (PR) district, the buildings are residential in character.

C. Fence: An opaque fence that is six feet (6') high is constructed between the institutional residential use and abutting lot that is occupied by or zoned to permit single-family dwellings. (Ord. 10-001, 1-12-2010)

8-2-5-14: KENNELS:

Kennels may be allowed as a special use in the agricultural (A), commercial general (CG), and industrial (I) districts, subject to the following requirements:

A. All districts:

1. Individual pens shall be limited in size to a maximum of fifteen feet (15') wide and twenty feet (20') long.

2. Enclosing fences shall not be higher than six feet (6').

3. If there is a roof enclosure, it must be of an open mesh type material.

B. Agricultural (A) district: The use is permitted as a special use on a farmstead. It may also be permitted on lots of five (5) acres or larger. Dog runs shall be a minimum of one hundred feet (100') from residentially zoned or residentially occupied property.

C. Commercial general (CG) and industrial (I) districts: No outdoor dog runs shall be permitted on less than one acre. Dog runs shall be used only during daylight hours and shall be a minimum of one hundred feet (100') from residentially zoned or residentially occupied property. (Ord. 10-001, 1-12-2010)

8-2-5-15: LANDSCAPE WASTE COMPOSTING AND ORGANIC COMPOSTING FACILITY:

Landscape waste composting and organic composting facilities that accept off site materials may be permitted as a special use in the agricultural (A) and industrial (I) districts subject to the following requirements:

- A. Compliance With Illinois Regulations: Composting operations and provisions for site design shall be governed by applicable Illinois environmental protection agency (bureau of land) regulations: Title 35: environmental protection, subtitle G: waste disposal, chapter I: pollution control board, subchapter i: solid waste and special waste hauling, part 830 standards for compost facilities.
- B. Water Supply Protection Zone: Composting uses prohibited within two hundred feet (200') of the nearest potable water supply.
- C. Floodplain: The composting area of the facility must be located outside the boundary of the 100-year floodplain or the site shall be floodproofed. The composting area of the facility must be designed to prevent any compost material from being placed within five feet (5') of the water table, to adequately control runoff from the site, and to collect and manage any landscape waste leachate that is generated on the site.
- D. Setbacks And Spacing:
 1. The composting area of the facility must be located so as to minimize incompatibility with the character of the surrounding area, including at least a six hundred sixty foot (660') setback from any residential or educational occupancy.
 2. Composting areas shall be spaced from other districts as follows:
 - a. From agricultural residential (AR), planned residential (PR), commercial general (CG) or residential (R) districts: Nine hundred feet (900').
 - b. From commercial interchange (CI) district: Three hundred feet (300').
 3. The buffer must be at least one hundred feet (100') inside the property boundary and used for an agricultural use or forested.
 4. The facility shall be located on a site that is a minimum of five (5) acres in size.
- E. Operating Conditions And Odors: The operator shall take specific measures to control odors and other sources of nuisance:
 1. Landscape waste must be processed within five (5) days after receipt into windrows or other piles which promote proper conditions for composting.
 2. The operator shall have a plan for minimizing odors and responding to odor complaints.
 3. A litter control plan shall be submitted to show that the operation will prevent the blowing of any waste materials, trash, or dust particulate matter onto adjoining property or roadways.
 4. The composting material shall not contain any domestic sewage, sewage sludge, or septage.
 5. The operator shall have available for inspection a plan for the intended purposes of end product compost and a contingency plan for handling end product compost and composting material that does not meet the general use compost standards.
- F. Site Plans And Siting Review: Any pollution control facility if located in unincorporated Grundy County needs to go through the local siting process. This public review is performed at the county level before an Illinois environmental protection agency permit can be approved. The county may impose fees for this review, which are listed by the land use department. (Ord. 10-001, 1-12-2010)

8-2-5-16: LIVE-WORK UNITS:

Live-work units may be permitted as a special use in the planned residential (PR) and commercial general (CG) districts if it is demonstrated that the lot has frontage on an arterial or collector street. (Ord. 10-001, 1-12-2010)

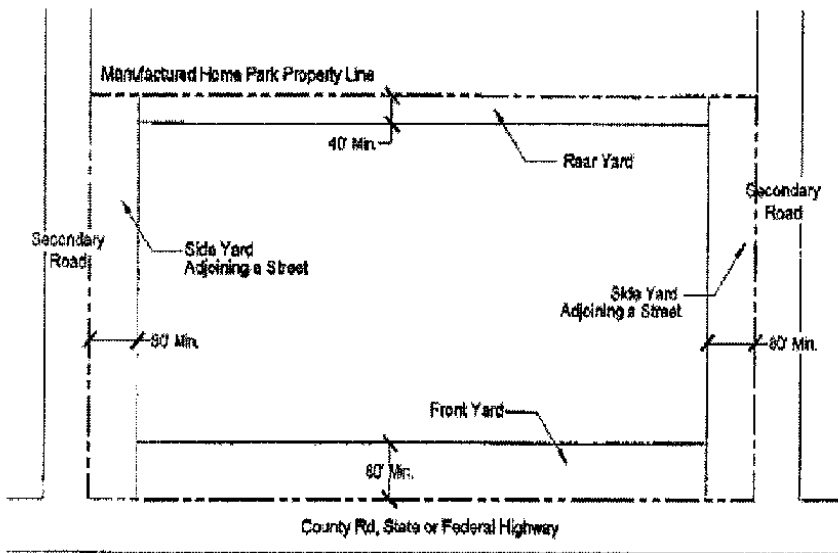
8-2-5-17: MANUFACTURED HOME PARK OR SUBDIVISION:

A manufactured home park or subdivision may be a special use in the agricultural (A) district, subject to the following requirements:

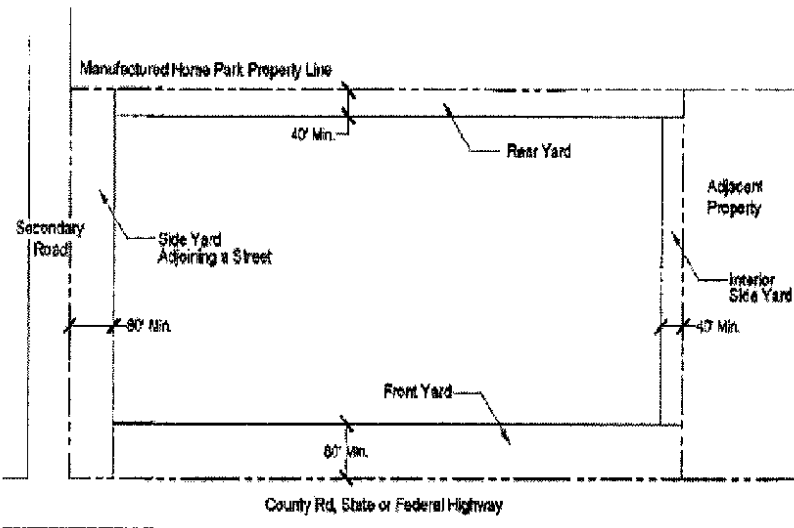
- A. Exceptions:
 1. Farm Exception: A farm owner may apply for a special agricultural exemption permit to allow manufactured homes to be used by seasonal farm help on that site. To qualify for the mobile home exemption, the farm must contain forty (40) acres for each mobile home; however, no more than two (2) mobile homes shall be permitted on any one tract.
 2. Construction: A landowner may apply for a temporary permit to allow a manufactured home to be a temporary office or storage unit on the site during the construction of a permanent residential dwelling unit. This period of manufactured home use is not to exceed twenty four (24) months.
- B. Manufactured Home Park Bulk And Yard Standards: Every manufactured home park shall comply with the following requirements, in addition to all other applicable Grundy County codes and ordinances:
 1. Lot Area: Manufactured home parks shall be a minimum of ten (10) acres and a maximum of twenty (20) acres in lot area.
 2. Lot Width: Manufactured home parks shall have a minimum lot width of six hundred sixty feet (660'), and shall maintain a minimum lot width of six hundred sixty feet (660') throughout the entire depth of the park. All manufactured home parks shall front on a county road, state or federal highway.
 3. Yards: Figure 8-2-5-17, "Manufactured Home Park Yards", of this section, illustrates the different configurations for required manufactured home park yards. Manufactured home park yard requirements are as follows:
 - a. Front yard: Eighty feet (80').
 - b. Side yard adjoining a street: Eighty feet (80').
 - c. Interior side yard: Forty feet (40').
 - d. Rear yard: Forty feet (40').

FIGURE 8-2-5-17

MANUFACTURED HOME PARK YARDS



Manufactured Home Park Yard Standards
For parks with 2 side yards adjoining a street



Manufactured Home Park Yard Standards
For parks with 1 side yard adjoining a street & 1 interior side yard

4. Yard Landscaping: All required yards must be landscaped in accordance with section 8-9-1, "General Requirements", of this title. No encroachments are permitted in any manufactured home park yard, and no part of any manufactured home site may be located within required yards.
5. Open Space: A minimum of twenty percent (20%) of a manufactured home park's total area shall be maintained as community open space and recreational areas for park residents.
 - a. Permitted types of community open space and recreational areas include, but are not limited to:
 - (1) Swimming pools.
 - (2) Tennis courts.
 - (3) Recreational open space accessory buildings.
 - (4) Jogging trails and fitness courses.
 - (5) Playgrounds.
 - (6) Natural water features, wetlands and conservation areas.
 - (7) Detention areas which are accessible to occupants or the public via nature trails, boardwalks, and/or perimeter walkways, but only if they are designed as wetlands or natural water features and are landscaped with native vegetation.
 - b. The following are not considered part of community open space and cannot be used to fulfill the twenty percent (20%) requirement:
 - (1) Required manufactured home park yards and manufactured home site yards.
 - (2) Interior streets, sidewalks or other public rights of way.
 - (3) Driveways, parking lots, and loading and storage areas.
6. Number Of Manufactured Home Sites: Each manufactured home park shall be limited to a maximum of one hundred (100) manufactured

home sites.

7. Separation Requirement: No manufactured home park shall be located within ten (10) miles of another manufactured home park. The distance between any two (2) manufactured home parks shall be measured in a straight line, without regard to intervening structures, from the property lines of each manufactured home park.

C. Manufactured Home Site Bulk And Yard Standards: Every manufactured home site within a manufactured home park shall comply with the following requirements:

1. Site Area: Each manufactured home site shall comply with the site area requirements shown in table 8-2-5-17, "Site Area And Site Width Dimensions For Manufactured Home Sites", of this section.

2. Site Width: Each manufactured home site shall comply with the site width requirements shown in table 8-2-5-17, "Site Area And Site Width Dimensions For Manufactured Home Sites", of this section.

TABLE 8-2-5-17

SITE AREA AND SITE WIDTH DIMENSIONS FOR MANUFACTURED HOME SITES

	Minimum Site Area (Square Feet)	Minimum Site Width (Feet)
Single manufactured home site	7,200	50
Doublewide manufactured home site	10,800	75
Triplewide manufactured home site	12,240	85

3. Height And Roof Form:

a. No manufactured home unit shall exceed a height of twenty feet (20'), as measured to the peak of the roof. No other principal structures within a manufactured home park shall exceed twenty five feet (25') in height, as measured to the peak of the roof. Structures accessory to individual manufactured home units, shall not exceed fifteen feet (15') in height, as measured to the peak of the roof.

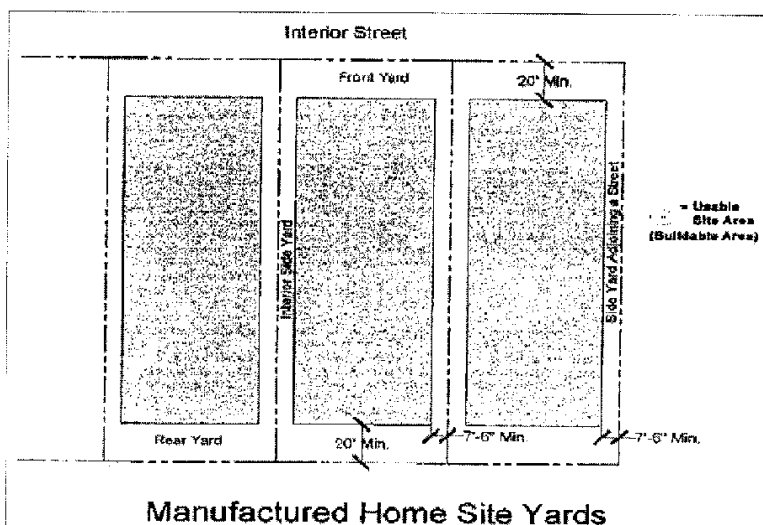
b. Each manufactured home unit shall utilize roofing materials consisting of asphalt shingles (or an equivalent material of comparable quality), similar in color, material and appearance to the roofing used on other single-family dwellings in the vicinity. The roof design of all manufactured home units shall utilize a full height roof element with a minimum pitch of three to twelve (3:12) (commonly referred to as a 3/12 pitched roof).

4. Yards: All manufactured home sites shall have the following minimum front, side and rear yards:

- a. Front yard: Twenty feet (20').
- b. Side yard adjoining a street: Seven and one-half feet (7¹/₂').
- c. Interior side yard: Seven and one-half feet (7¹/₂').
- d. Rear yard: Twenty feet (20').

FIGURE 8-2-5-17B

MANUFACTURED HOME SITE YARDS



5. Location: All manufactured home sites shall front on a street, interior to the manufactured home park, improved to the standards set forth in subsection I1, "Interior Streets", of this section.

6. Use Of Sites: No more than one manufactured home unit shall occupy any designated and staked manufactured home site. Mobile homes are not permitted to occupy any manufactured home site, except that existing mobile homes found in preexisting manufactured home parks, are permitted as legal nonconforming uses.

7. Designation Of Manufactured Home Sites: The corners of each manufactured home site shall be clearly marked on the ground by permanent flush stakes, markers or similar means approved by the zoning officer or designee.

D. Manufactured Home Site Installation Standards:

1. Pads: Each manufactured home site shall have two (2) concrete pads for a manufactured home unit to be set upon. Each pad shall be at least two feet (2') in width. The distance between the centerlines of each pad shall be at least four and one-half feet ($4\frac{1}{2}'$).
2. Skirting: All manufactured home units shall be skirted with a rigid material. Such skirting must be in place within thirty (30) days after the manufactured home unit is installed on the manufactured home site. Skirting shall be ventilated in order to ensure proper airflow under the home. Skirting material shall be weatherproof and fire resistant. Skirting shall be provided with doors to permit access to sewer, water and gas connections.
3. Walkways: A concrete walkway shall be provided from the doorway of each manufactured home unit to the required driveway and shall be at least four feet (4') in width.
4. Electricity: Electrical service delivering one hundred (100) ampere service of not less than one hundred ten (110) volts shall be required for each individual manufactured home site. The installation shall comply with all state and local electrical codes and ordinances.

E. Accessory Buildings, Structures, And Uses:

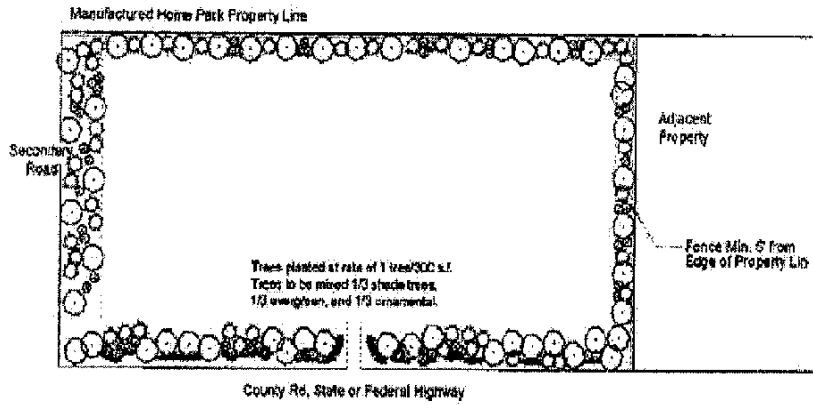
1. Accessory structures are prohibited within the required front or side yards of any manufactured home site.
2. Accessory buildings, such as storage sheds, shall not exceed a total of one hundred fifty (150) square feet. Accessory buildings are permitted to encroach into the required rear yard, provided they are located no closer than ten feet (10') from any manufactured home site boundary line within the rear yard.
3. Detached garages shall not exceed a total of four hundred eighty four (484) square feet. Garages are permitted to encroach into the required rear yard, provided they are located no closer than ten feet (10') from any manufactured home site boundary line within the rear yard.
4. Carports shall be used only for parking no more than two (2) vehicles and not for any other purpose, including storage. Carports shall have a minimum height of seven feet (7') and a maximum width of twenty feet (20').
5. Porches and decks may encroach into the required rear yard, provided they are located no closer than ten feet (10') from any manufactured home site boundary line within the rear yard.
6. Accessory buildings and structures shall not exceed fifteen feet (15') in height, as measured to the peak of the roof. However, in no case shall a carport be higher than the lowest part of the roof of the manufactured home unit, as installed, to which the carport is accessory.
7. Any home occupations conducted within accessory buildings and structures, or within the manufactured home, shall comply with the regulations of section 8-2-3-5, "Home Occupation", of this chapter.

F. Landscaping Requirements:

1. Landscaping The Required Yards Of Manufactured Home Parks: Landscaping of the required yards of manufactured home parks, as illustrated in figure 8-2-5-17C, "Manufactured Home Park Required Yard Landscaping", of this section, shall meet the following standards:
 - a. In every required yard, there shall be a minimum of one tree for every three hundred (300) square feet. One-third ($\frac{1}{3}$) of all trees shall be evergreens a minimum of six feet (6') in height at planting, one-third ($\frac{1}{3}$) of all trees shall be shade trees a minimum of two inches (2") in caliper at planting, and one-third ($\frac{1}{3}$) of all trees shall be ornamental trees a minimum of two inches (2") in caliper at planting.
 - b. Shrubs shall be planted at a rate of one shrub for every three (3) linear feet.
 - c. To achieve effective screening, landscape materials shall be planted in a naturalistic and staggered fashion.
 - d. Areas not planted with trees shall be maintained as turf or other ground cover.
 - e. A berm, with a maximum slope of four feet (4') in length to each one foot (1') in height (also referred to as 4:1 proportion), shall be provided in the required yards and shall be fully landscaped in accordance with subsections F1a through F1d of this section. Berms shall have a rounded top surface that is a minimum of five feet (5') in width.
 - (1) Required front and corner side yards: Eight foot (8') berm.
 - (2) Required rear and interior side yards: Three foot (3') berm. Required berming is illustrated in figure 8-2-5-17D, "Required Berming", of this section.
 - f. In rear and interior side yards, a six foot (6') solid fence is required. Such fence shall be located a minimum of five feet (5') from the property line.

FIGURE 8-2-5-17C

MANUFACTURED HOME PARK REQUIRED YARD LANDSCAPING

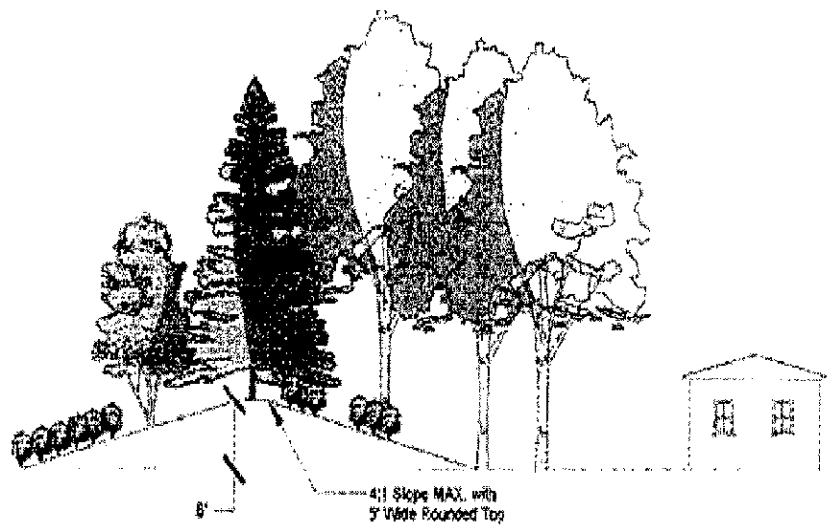


Landscaping Requirements

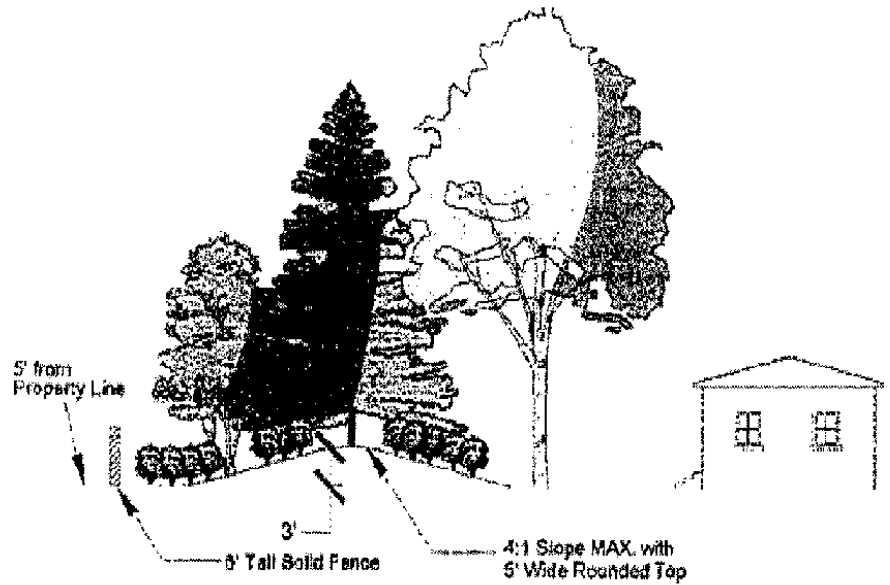
For park with 1 side yard adjoining a street & 1 interior side yard

FIGURE 8-2-5-17D

REQUIRED BERMING



Front Yard & Side Yard Adjoining a Street Berms



Rear Yard & Interior Side Yard Berms

2. Landscape Plan: A landscape plan shall be submitted as part of a manufactured home park development application, as required in subsection J, "Manufactured Home Park Development Application", of this section.

3. Maintenance Of Landscaping: Any diseased, dead or damaged plants within the required manufactured home park yards or common open space areas must be removed and replaced as indicated in section 8-9-10, "Installation, Maintenance, And Replacement", of this title.

G. Off Street Parking And Driveways:

1. Required Parking: Each manufactured home site shall provide two (2) off street parking spaces within the site.

2. Visitor Parking Lots:

a. A visitor parking lot shall be located within no more than three hundred feet (300') of each manufactured home site within the manufactured home park.

b. The total number of visitor parking spaces provided within the park shall be equal to three-tenths ($\frac{3}{10}$) parking space per manufactured home site.

c. The perimeter of visitor parking lots shall be screened with compact hedging or decorative masonry, or a combination of these, to a maximum height of two and one-half feet ($2\frac{1}{2}'$).

3. Driveways: Driveways shall not be considered interior streets, as described in subsection 11, "Interior Streets", of this section, and as illustrated in figure 8-2-5-17E, "Driveways And Interior Streets", of this section. Manufactured home site driveways shall comply with the following:

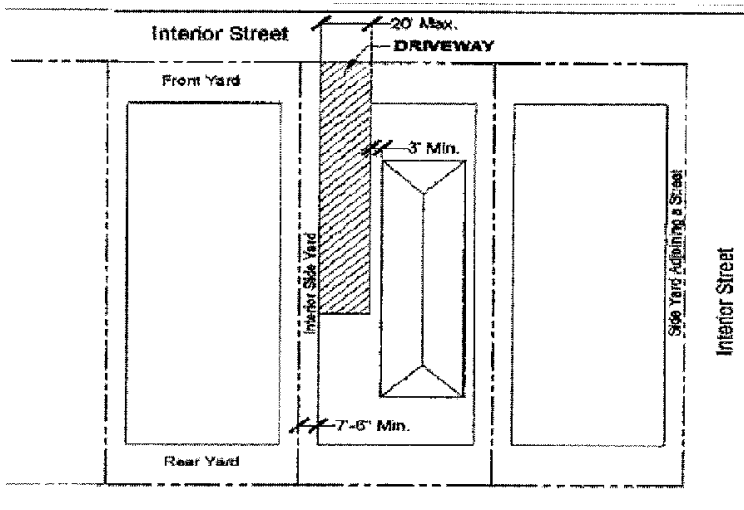
a. The maximum width of manufactured home site driveways shall be twenty feet (20').

b. Driveways shall not be located within the required side yards. Driveways shall be separated a minimum of three feet (3') from the manufactured home unit, as measured from the edge of the driveway.

c. All driveways and off street parking areas shall be paved, and graded to drain rapidly and be free of standing water.

FIGURE 8-2-5-17E

DRIVEWAYS AND INTERIOR STREETS



H. Signs:

1. Manufactured Home Park Sign: Manufactured home parks shall be limited to one freestanding monument identification sign. Such sign shall not exceed four feet (4') in height and thirty two (32) square feet in sign area, and shall be located at least twenty feet (20') from any manufactured home site. Only uplighting, where light is directed from the ground onto the sign face, is permitted to illuminate the sign.

2. Site Identification Numbers: A manufactured home park shall maintain signs on each manufactured home site that identify the site number. Site numbers shall be four inches (4") in height and shall remain readily identifiable while the site is in use. No site identification sign may exceed five inches (5") in height and ten inches (10") in width.

I. Public Improvements:

1. Interior Streets:

a. Interior streets within a manufactured home park shall be designed in accordance with chapter 6, "Subdivisions And Land Development", and section 8-6-3-4, "Streets, Roadways, And Paths", of this title, in addition to all other applicable Grundy County codes and ordinances. The interior streets of the manufactured home park shall be considered (general) high intensity "residential subcollectors" for the purposes of said section 8-6-3-4, "Streets, Roadways, And Paths", of this title. Curbing is required on all interior streets. Shoulders and drainage swales are not permitted.

b. All interior streets shall be properly lit, in accordance with the requirements of subsection 8-6-3-4P, "Street Lighting", of this title, except that the maximum height of light poles, as measured from grade at the base to the bottom of the luminaire, shall not exceed twenty feet (20').

c. Interior streets shall be serviced and maintained by the owners of the manufactured home park. No officer, agent or employee of the county shall, at any time, service or maintain, or offer or agree to service or maintain, any interior road or any part thereof.

d. In section 8-17-1-2 of this title, the residential subcollector category, contains subcategories for roads with one sided, two (2) sided and off street parking. There are also standards for an unnamed, i.e., general - high intensity residential subcollector. This "general" category applies to the interior streets of manufactured home parks.

2. Stormwater Management: Stormwater drainage and detention system shall be provided in accordance with section 8-4-5 of this title, in addition to all other applicable Grundy County codes and ordinances.

3. Sewer System: Sewage disposal shall be provided in accordance with section 8-6-3-6, "Sewage Collection And Disposal", of this title, in addition to all other applicable Grundy County codes and ordinances. Septic tanks and oxidation lagoons shall not be permitted within manufactured home parks. In addition, each sewer connection to a manufactured home site that is unoccupied shall be closed until the site is occupied.

4. Water Supply: A water supply system shall be provided in accordance with section 8-6-3-7, "Water Systems", of this title, in addition to all other applicable Grundy County codes and ordinances.

5. Public Utilities: Public utilities shall be provided in accordance with sections 8-6-3-8, "Public Utilities", and 8-6-3-9, "Easements", of this title, in addition to all other applicable Grundy County Codes and ordinances. (Ord. 10-001, 1-12-2010)

J. Manufactured Home Park Development Application:

1. Required: Prior to the construction, expansion and/or alteration of any new or existing manufactured home park, the manufactured home park developer shall make application to, and receive approval from, the Grundy County Board in accordance with the requirements and procedures of this subsection.

2. Procedure:

a. Preapplication Conference: Prior to submittal of an application to develop a manufactured home park, the developer shall meet with the Zoning Board of Appeals to discuss the scope and nature of the proposed development. At the preapplication conference, the applicant shall provide information as to the location of the proposed manufactured home park development, the proposed public improvements, a list of any anticipated exceptions to County ordinances, and any other information necessary to clearly explain the manufactured home park development. The purpose of such preapplication conference is to make advice and assistance available to the applicant before preparation of the application.

b. Application Submittal: Following the preapplication conference, the application to develop a manufactured home park shall be submitted to the Zoning Officer. The application shall be in accordance with the requirements of subsection J3, "Application Requirements", of this section. The Zoning Officer shall forward copies of the application to the Zoning Board of Appeals for their report and recommendation, as well as other applicable administrative officials.

c. Zoning Board Of Appeals Recommendation: In making its recommendation, the Zoning Board of Appeals shall be guided by, and give consideration to, the following:

(1) The proposed development is in conformance with the Grundy County comprehensive plan, this title and the requirements of the MHP District.

(2) The proposed development will have a character of sustained desirability and stability.

(3) The proposed development will be in harmony with its surroundings.

(4) The proposed development will not cause undue congestion on local streets or thoroughfares. The Zoning Board of Appeals may recommend approval or denial of the application, including any special uses. If the Zoning Board of Appeals shall fail to act within sixty (60) working days after receipt of the application, the application shall be deemed to be recommended for approval.

d. Zoning Board Of Appeals Recommendation: The Zoning Board of Appeals may recommend to the County Board approval, approval with conditions or denial of any special uses that are part of the application including, but not limited to, approval of accessory structures and uses, and community sewer and water systems, as set forth in chapter 15, "Enforcement, Interpretation, And Severability", of this title.

e. Approval By County Board: Upon receipt of a recommendation from the Zoning Board of Appeals, the Grundy County Board may approve, approve with conditions or deny approval of the development, including any special use permits. (Ord. 2018-012, 6-12-2018)

3. Application Requirements: In order to develop a manufactured home park, the applicant shall file with the Land Use Department an application that includes the following:

a. The full name and address of the applicant or applicants, or the names and addresses of the partners if the applicant is a partnership or the names and addresses of the officers if the applicant is a corporation.

b. The address, location and legal description of the tract of land upon which it is proposed to construct a manufactured home park.

c. The name of the proposed manufactured home park.

d. The proposed number of manufactured home sites.

e. A site plan of the proposed manufactured home park, which must include the following:

(1) All manufactured home sites shall be clearly delineated, and each shall include site dimensions and square footage, and building envelope information. Building elevations for existing and proposed buildings and facilities, or any alterations to existing buildings and facilities, must be shown.

(2) The location of all required visitor parking lots.

(3) All streets, sidewalks and driveways.

(4) All signage for the manufactured home park, including manufactured home site numbering, street signs and directional signage.

(5) All public improvements and amenities, including community facilities and required open space.

(6) North arrow, drawing scale, signature and seal of an Illinois registered engineer or architect, and date of preparation.

f. A landscape plan shall be submitted with each application, and is subject to approval by the land use department. A landscape plan must include the following:

(1) The location, quantity, size and name, both botanical and common, of all existing plant material on the lot, and indicating which plant material will be retained and which will be removed. The landscape plan should include provisions to preserve existing trees in accordance with section 8-9-11, "Preservation Of Trees And Other Vegetation", of this title.

(2) The location, quantity, size and name, both botanical and common, of all proposed plant material including, but not limited to, shade and evergreen trees, shrubs, ground cover and turf, drawn at a size equal to three-fourths ($\frac{3}{4}$) maturity.

(3) The existing and proposed grading of the site indicating contours at one foot (1') intervals. Proposed berming shall be indicated using one foot (1') contour intervals.

- (4) Elevation drawings indicating the materials used for all proposed fences.
- (5) Installation and maintenance specifications as required by the land use department.
- (6) North arrow, drawing scale, signature and seal of an Illinois registered landscape architect, and date of preparation.

(7) In the event that it can be demonstrated that existing vegetation meets the intent of the landscaping requirements of this section, it may be credited toward the required landscape materials, as determined by the land use department.

g. A traffic impact analysis is required if the proposed manufactured home park has fifty (50) or more manufactured home sites or, if additional sites are proposed to be added to an existing park, when the total number of manufactured home sites meets or exceeds fifty (50) sites. Such traffic impact analysis shall be conducted by an Illinois registered engineer and shall include the following:

- (1) A description of the development site, proposed land use and intensity, and the area of influence of site traffic.
- (2) Existing conditions of perimeter streets and intersections, including traffic counts and capacity and level of service analysis.
- (3) Analysis of future conditions in trip generation at peak periods and for twenty four (24) hours.
- (4) Proposed driveway locations, geometries, sight distances and turn restrictions.
- (5) Impact on adjoining street network.

4. Alterations: Any alterations to existing manufactured home parks, excluding normal maintenance, shall require a new application.

5. Appeal: Any person denied approval of his/her manufactured home park development shall have the right to appeal such decision before the circuit court of the 13th judicial court, Grundy County, Illinois.

6. Records: When an application for a manufactured home park development has been approved, land use department shall retain the original and keep a file thereof. One copy shall be returned to the applicant, or his/her agent, and one copy shall be delivered to county clerk.

K. Manufactured Home Park License Requirements:

1. General Requirements:

a. No person, firm or corporation shall establish, maintain, conduct or operate a manufactured home park without first obtaining a license from the land use department.

b. A license to operate a manufactured home park shall be issued for one year and shall expire at twelve o'clock (12:00) midnight on April 30 of each year. The license may be renewed from year to year upon payment of an annual license fee in accordance with subsection K1c of this section. Licenses issued hereunder apply only to the premises described in the application and in the license. Only one location may be described in the license. A license which has been issued for a particular premises may not be moved to any other premises.

c. In addition to the application fees, the licensee shall pay to the land use department, on or before April 30 of each year, a nonrefundable annual license fee of fifty dollars (\$50.00) plus three dollars (\$3.00) for each manufactured home site in the park. The land use department shall deposit all funds received with the county treasurer.

d. All licenses to operate a manufactured home park shall be prominently displayed in the manufactured home park office.

2. Revocation Of License: Any license granted hereunder shall be subject to revocation or suspension by the land use department. The zoning officer shall first serve, or cause to be served, upon the licensee, a written notice which shall specify the way or ways in which such licensee has failed to comply with this title. Said notice shall require the licensee to remove or abate such nuisance, unsanitary or objectionable condition, specified in such notice, within five (5) days, unless a longer period of time is allowed by the zoning officer. If the licensee fails to comply with the terms and conditions of said notice, the land use department may revoke or suspend such license.

3. Records: When a license to operate and maintain a manufactured home park has been approved, the land use department shall retain the original and keep a file thereof. One copy shall be returned to the applicant, or his/her agent, and one copy shall be delivered to county clerk.

4. Management Responsibilities: The following manufactured home park management provisions are applicable to all manufactured home parks licensed within Grundy County:

a. Every park shall be managed by a responsible party on duty twenty four (24) hours per day and seven (7) days per week whose name, address and telephone number shall be on file at all times with the land use department and Grundy County sheriff. The duties of this responsible party shall be to maintain the park, and its facilities and equipment, in a clean, orderly and sanitary condition, and shall be responsible, in addition to the licensee, for any violation of this title.

b. Each manufactured home park shall have a manager's office where each manufactured home shall be assigned its manufactured home site, issued a copy of the manufactured home park's rules and registered. A register shall be maintained by the manager and shall include:

- (1) The name and address of the owner of each manufactured home unit.
- (2) The name and address of each occupant of such unit.
- (3) The license number and state of issuance, for such unit.
- (4) The date of entry of such unit into the park. The register shall be signed by the owner or occupant of the manufactured home.

c. Any person furnishing misinformation for purposes of registration shall be deemed guilty of a misdemeanor. Registration records shall be kept for seven (7) years after the manufactured home unit has left the manufactured home park. The register shall be available for inspection upon request by all law enforcement officers.

d. The land use department shall keep a record of all manufactured home parks. These records shall show the names and addresses of all manufactured home parks, names and addresses of the manufactured home park licensees, number of manufactured home sites in each park, source of water supply, system of sewage and garbage disposal, and any other information desired by the land use department.

5. Required School District Registration: The following provisions are applicable to all manufactured home parks licensed within Grundy County:

a. It shall be the duty of each licensee to file with the school board(s) of the school district(s) where the manufactured home park is located, within the first five (5) business days of February and of September of each year, a report that contains the names and ages of all school age children who reside in the manufactured home park.

b. The governing body of the school district in which such manufactured home park is located, by and through its officers, attendance officers and proper employees, may visit and inspect a manufactured home park for the purpose of enforcing the attendance of school children who reside in the park. When a manufactured home park is located in more than one school district, the school boards of the school districts, acting jointly, are authorized to visit and inspect a manufactured home park for the purpose of enforcing the attendance of school children who reside in the park.

L. Nonconforming Manufactured Home Parks:

1. Manufactured home parks established prior to the effective date of the MHP district shall be considered legal nonconforming manufactured home parks and shall continue to be governed by all standards in effect at the time they were approved.

2. The replacement of manufactured homes in legal nonconforming manufactured home parks shall be governed by the standards in effect when the manufactured home parks were approved. However, no manufactured home or mobile home shall be replaced by a "mobile home", as defined in this title.

3. Expansion of a legal nonconforming manufactured home park shall only be allowed when such expansion also includes substantial improvements in the existing manufactured home park to such a degree that the existing park, including the expanded area, complies with the provisions of the MHP district. (Ord. 10-001, 1-12-2010)

8-2-5-18: MINISTORAGE UNITS:

Commercial ministorage units may be allowed as a special use in the commercial general (CG) district, subject to the following provisions:

A. Permitted Activities: Within a miniwarehouse facility, no business activity other than the rental of storage units shall be conducted. The operation of such facility shall be for storage space only and shall in no way be deemed to include a transfer or storage business.

B. Lot Size:

1. Miniwarehouse lot size shall not exceed five (5) acres.
2. At least four thousand (4,000) square feet of storage space is required for each ministorage development or phase of development.

C. Outdoor Storage:

1. Outdoor or open storage of operable vehicles, recreational vehicles, and licensed trailers is permitted at a minimum distance of twenty feet (20') from buildings.
2. Outdoor or open storage of any type shall not be permitted in the street (front) yard.
3. Outdoor or open storage shall require a three foot (3') landscaped berm on all sides of the property. This requirement is in addition to any other landscaping requirements.

D. Interior Driveways: All interior driveways shall have a minimum width of thirty feet (30') between wood frame buildings or twenty four feet (24') between masonry buildings. In all cases, driveway width shall be sufficient to provide adequate access for fire apparatus in accordance with the local fire district's requirements.

E. Landscaping:

1. Landscaping of not less than three feet (3') in width shall be provided and maintained along street frontage except for entrance and exit driveways.
2. All areas not covered by buildings or pavement shall be landscaped.
3. Landscaping standards shall be twice the required amount for ministorage so that the landscaping appears dense and nearly opaque. The minimum amount of landscaping shall be equivalent to one hundred sixty (160) landscaping points.

F. Fencing: A minimum six foot (6') solid fence along the rear and side property lines is required when a miniwarehouse facility abuts any lot in the AR, PR, or R district or is used for residential purposes.

G. Lighting: Exterior lighting shall be shielded to direct the light onto the use established and away from adjacent properties, in accordance with section 8-8-3, "Exterior Lighting Standards", of this title.

H. Paving: All driveways, parking, loading, and vehicle circulation areas shall be paved with concrete or asphalt. Compacted gravel may be substituted in low traffic volume portions of the development.

I. Prohibited Materials: The following shall not be stored in individual warehouse units:

1. Flammable or combustible liquids;
2. Welding and cutting calcium carbides and acetylene;
3. Compressed gas and LPG;
4. Explosive and blasting agents;
5. Fireworks;
6. Hazardous chemicals;
7. Corrosive liquids and poisonous gases; and
8. Toxic materials.

J. Electrical Service:

1. Electrical service to individual units shall consist only of lighting and switches.
2. Specifically forbidden are electrical outlets within the storage units. (Ord. 10-001, 1-12-2010)

8-2-5-19: MIXED USE:

Mixed use developments may be allowed as a special use in the commercial general (CG) district, subject to the following provisions:

A. Use Type:

1. Other uses may include commercial lodging, commercial retail, office, restaurant, services, and places of assembly.
2. Any other use permitted in the district is also permitted as one of the floor types.

B. Use Standards: The following standards apply to mixed uses:

1. Minimum Residential: At least thirty percent (30%) of the total floor area shall be devoted to residential use.
2. Recreation Space: Each residential unit shall have seventy five (75) square feet of public or private outdoor recreation or activity space in the form of balconies, rooftop areas, or ground level space such as a plaza that is designed for the use and enjoyment of the residents.
3. Parking: Parking shall be reduced to the maximum parking needed for the composite uses in the peak parking hour.
4. Multiple Building Mixed Uses: Where there are more than four (4) buildings, not all buildings shall be required to have residential use, nor shall all buildings be required to accommodate mixed use, provided the following are met:
 - a. At least sixty five percent (65%) of the buildings shall accommodate residential use at full project build out.
 - b. Residential uses must be included in the first building constructed.
 - c. If any building is to be solely residential or nonresidential, the county shall require its phasing to ensure that the project meets the desired mix if it is not completely built as originally approved.
 - d. Institutional uses may be housed by single use buildings, unless their primary use is an office function.
 - e. Such complexes shall have a unified site plan, which shall include a pedestrian oriented circulation plan that is a key element in the overall site plan. (Ord. 10-001, 1-12-2010)

8-2-5-20: OUTDOOR CARGO CONTAINER STORAGE AND HANDLING FACILITIES:

Outdoor cargo container storage and handling facilities may be allowed in the industrial (I) district as a special use, subject to the following restrictions:

A. Minimum Requirements:

1. Minimum Lot Size: The minimum size of property required for establishment of such facility shall be twenty (20) acres.
2. Stacking Prohibited:
 - a. No stacking of cargo containers is permitted.
 - b. All cargo containers must be at ground level.
 - c. Empty chassis shall not be stacked more than five (5) units high.
3. Minimum Setback:
 - a. The minimum setback from all property lines shall be one hundred feet (100').
 - b. No storage of a cargo container or chassis shall be closer than one thousand feet (1,000') from any property zoned or used for residential land uses.
4. Screening: Screening is required for storage of cargo containers including, but not limited to:
 - a. Opaque fencing and shrubbery at least every three feet (3') around the perimeter of the property.
 - b. The minimum height of the fence shall be eight feet (8').
5. Storage Restrictions: Cargo containers shall not be used for:
 - a. Refrigeration.
 - b. Residential use of any kind.
 - c. Storage or housing of animals.
6. Container Repair And Integrity:
 - a. Any cargo container stored or kept on property shall be safe, structurally sound, stable, and in good repair.
 - b. Any cargo container that becomes unsound, unstable, or otherwise dangerous shall be immediately repaired or removed from the property where kept.
 - c. Any cargo container stored or kept in violation of the unified development ordinance shall be deemed a dangerous condition and a public nuisance and may be immediately removed by the county.
 - d. Any cost or expense associated with the removal of the violating cargo containers is the responsibility of the property owner. All associated costs including, but not limited to, legal fees and court cost, shall constitute a debt due and owed to the county and shall be recordable as a lien upon the land of the cargo container storage facility and/or property owner.
7. Number Of Containers: The special use permit shall be issued for a specific maximum number of cargo containers.

B. Additional Requirements: When approving the special use permit, the county board may impose additional standards on outdoor cargo container storage and handling facilities. (Ord. 10-001, 1-12-2010)

8-2-5-21: PARKING (STAND ALONE LOT) AND TRANSIT FACILITIES:

Commercial parking and transit terminal facilities may be permitted as a special use in the commercial interchange (CI) and industrial (I) districts subject to the following provisions:

- A. Surfacing: A commercial or commuter parking lot shall have asphalt or concrete paving for all surfaces used for vehicle parking.
- B. Access: Entrance and exit for all parking and passenger or commuter drop off shall be from a collector or arterial street. (Ord. 10-001, 1-12-2010)

8-2-5-22: PLACES OF PUBLIC ASSEMBLY:

The standards of this section are intended to ensure land use compatibility, protect the integrity of neighborhoods, and preserve community character, while allowing uses that serve the community to locate near and among residential uses. Places of public assembly may be allowed as a special use in the Agricultural (A), Agricultural Residential (AR), Planned Residential (PR), and Residential (R) Districts subject to the following requirements:

A. Location: The place of public assembly complies with the provisions of section 8-3-4-2, "Nonresidential Scale And Design Regulations", of this title, and is located on the classification of roadway that is required for the scale of the use.

B. Minimum Lot Size: Places of public assembly shall have a minimum site area:

1. For places of public assembly in the Planned Residential (PR) or Residential (R) Districts, four (4) times the minimum lot size is required for that district.

2. For the Agricultural (A) and Agricultural Residential (AR) Districts, the following minimum site areas:

- a. School: Five (5) acres.
- b. Places of worship, libraries, museums: Three (3) acres.
- c. Childcare centers: One acre.

C. Additional Requirements: Based on the recommendations of the Zoning Board of Appeals, and Land Use Committee, the County Board may impose additional standards on places of public assembly that:

1. Ensure appropriateness of scale,
2. Maintain consistency in the community character in which the use is situated, or
3. Mitigate impacts on the transportation system and public service requirements. (Ord. 2018-12, 6-12-2018)

8-2-5-23: PRIVATE AIRSTRIP:

Private airstrips may be allowed as a special use in the Agricultural (A) District subject to the following provisions:

A. Safety Aviation Rules: The safety restrictions on the airstrip are in accordance with the State of Illinois.

B. Ownership: A special use approval shall run with the ownership of the parcel, and it shall be recorded as such.

C. Fly-Ins: The owner is limited to two (2) events per year. Each fly-in is limited to fifteen (15) planes per event.

D. Natural Conditions: Natural conditions are to be preserved, which permits only grass strips. No towers are permitted. (Ord. 10-001, 1-12-2010)

8-2-5-24: PRIVATE CLUB:

Private clubs may be allowed as a special use in the Agricultural (A), Agricultural Residential (AR), Planned Residential (PR), and Residential (R) Districts subject to the following requirements:

A. Building Character: The building in which the use is located:

1. Has the character of a residential building, and
2. Has a floor area that is not greater than 1.5 times the floor area of the largest dwelling that is located on the same street face.

B. Street Access: The use shall be accessed by a public street that is classified as a collector or greater capacity, or within three hundred feet (300') of an intersection with a road that is classified as a collector or greater capacity. (Ord. 10-001, 1-12-2010)

8-2-5-25: PRIVATE PIPELINES:

Natural gas and petroleum pipelines located on agricultural properties or properties with sensitive areas including, but not limited to, wetlands, steep slopes, woodlands, or floodplains may be subject to the following special use standards in order to minimize construction impacts:

A. Entrance And Exit To Property: Prior to the pipeline's installation, the applicant and landowners/tenants shall reach an acceptable agreement on the route that will be used for entering and exiting the right of way and other construction areas. The affected property owners/tenants shall be notified of the project intent and approximate scheduling of the construction.

B. Location: All pipelines greater than ten inches (10") in diameter that transport flammable or hazardous material shall be located a minimum of five hundred feet (500') from any occupied principal structure.

C. Land Cover: Except for aboveground piping facilities, the pipeline shall be buried with:

1. A minimum of five feet (5') of top cover where it crosses agricultural land that has been determined as having prime soils.
2. A minimum of three feet (3') of top cover where it crosses agricultural land that has been determined as having nonprime soils.
3. A minimum of three feet (3') of top cover where it crosses properties having the protected resource categories listed in section 8-4-2-1, "Protected Resources", of this title.
4. Substantially the same top cover as an existing parallel pipeline, but not less than three feet (3'), where an existing pipeline is within one hundred feet (100') perpendicular to the new pipeline.

D. Replacement Of Topsoil:

1. Existing topsoil depths shall be restored.
2. Replacement shall be undertaken in a manner as to minimize settling and the mixing of topsoil with subsoil materials. In no instance shall the topsoil materials be used for any other purpose.
3. As the topsoil is replaced, all rocks greater than three inches (3") in dimension shall be removed.

E. Restoration Of Ground Cover And Field Tiles:

1. All conservation practices such as terraces or grassed waterways that are damaged by the pipeline's construction shall be restored to their preconstruction condition. Vegetation in sensitive areas shall be restored to their preconstruction state.

2. All existing field tiles shall be identified before construction and repaired or replaced at the conclusion of construction. (Ord. 10-001, 1-12-2010)

8-2-5-26: RECREATION, INDOOR:

Indoor recreation may be allowed as a special use in the agricultural (A) and residential (R) districts, subject to the following provisions:

- A. Limited Access Or Membership: In the agricultural (A) district, access to the use is limited to residents of the development or neighborhood in which it is located and their invitees.
- B. Use Compatibility: The use is:
 - 1. Located at least one hundred feet (100') from any residential building;
 - 2. Constructed of sound resistant materials; or
 - 3. Limited in operation such that it is closed between ten o'clock (10:00) P.M. and seven o'clock (7:00) A.M. (Ord. 10-001, 1-12-2010)

8-2-5-27: RECREATION, OUTDOOR:

Outdoor recreation may be allowed as a special use in the agricultural (A), planned residential (PR), and residential (R) districts, subject to the following provisions:

- A. The premises shall be closed between nine o'clock (9:00) P.M. and seven o'clock (7:00) A.M.; or
- B. Portions of the use, such as an athletic field, that are open later than nine o'clock (9:00) P.M. shall be located at least three hundred feet (300') from any property that is used for residential purposes. (Ord. 10-001, 1-12-2010)

8-2-5-28: SALVAGE ACTIVITIES:

Salvage activities may be allowed as a special use in the industrial (I) district, subject to the following provisions:

- A. Recycling Collection Facilities:
 - 1. Allowed only in the industrial (I) district.
 - 2. Shall use containers that are constructed and maintained with durable waterproof and rustproof material, covered when site is not attended, secured from scavenging, and shall be of a capacity sufficient to accommodate materials collected and a collection schedule.
 - 3. All materials shall be stored in containers or in a mobile unit vehicle when the attendant is not present.
 - 4. If located within one thousand feet (1,000') of a lot in the agricultural residential (AR), planned residential (PR) or residential (R) districts, any power driven collection facility shall not operate between seven o'clock (7:00) P.M. and seven o'clock (7:00) A.M.
- B. Automotive Salvage Rebuilder Or Automotive Salvage Recycler: Automotive salvage rebuilders and automotive salvage recyclers shall be:
 - 1. Allowed only in the industrial (I) district.
 - 2. Licensed and operated pursuant to 415 Illinois Compiled Statutes 95/junkyard act.
 - 3. Surrounded by a landscape buffer 1.5 times the requirements of chapter 9, "Landscaping And Tree Protection", of this title.
 - 4. Configured so that inoperable vehicles are not visible from public rights of way.
 - 5. Spaced from other districts as follows:
 - a. From the agricultural residential (AR), planned residential (PR) or residential (R) districts: Three hundred feet (300').
 - b. From commercial general (CG) or commercial interchange (CI) districts: One hundred feet (100').
- C. Processing Facilities:
 - 1. Allowed only in the industrial (I) district.
 - 2. All power driven processing must meet all performance standards in section 8-4-4, "General Environmental Standards", of this title and shall not operate between seven o'clock (7:00) P.M. and seven o'clock (7:00) A.M.
 - 3. All outside storage of materials shall be in sturdy containers or enclosures which are covered, secured, and maintained in good condition, or shall be baled or palletized.
 - 4. No storage, excluding trucks, shall be visible above the height of the buffer area if located within one hundred feet (100') of properties in the agricultural residential (AR), planned residential (PR) or residential (R) districts.
- D. Prohibited Practices:
 - 1. No hazardous waste or materials shall be accepted or deposited at any recycling or salvage facility, except as permitted by county, state and federal law.
 - 2. No person shall discard or deposit waste or recyclable materials onto the ground at or on property adjacent to a transfer site or transfer station. (Ord. 10-001, 1-12-2010)

8-2-5-29: SINGLE-FAMILY CLUSTER:

Single-family cluster developments having an open space ratio at or above twenty five percent (25%) may be allowed as a special use in the planned residential (PR) district, subject to the following requirements:

- A. Open Space Requirements: Open space at or above twenty five percent (25%) should be shown on the master plan and shall be contiguous open space, excluding required yards and buffer areas and shall not consist of narrow strips of land around the perimeter of the site which do not meet the intent of this UDO. The county may require interconnected open space on adjacent conservation subdivisions to encourage biodiversity by maximizing habitat size and minimizing edge effects. Such open space may be separated by the road(s) constructed within the cluster subdivision. The required open space shall be used for conservation, agriculture, horticulture, forestry, or for a combination of these uses, and shall be served by suitable access for such purposes. Underground utilities to serve the cluster development site may be located within the required open space.
- B. Open Space And Ownership: The required open space shall, at the owner's election, be conveyed to a corporation or trust owned jointly or in common by the owners of lots within the cluster subdivision. If such corporation or trust is utilized, ownership thereof shall pass with conveyance of

the lots in perpetuity. Maintenance of the open space and facilities shall be permanently guaranteed by such corporation or trust, which shall provide for mandatory assessments for maintenance expenses to each lot. Each such trust or corporation shall be deemed to have assented to allow the County to perform maintenance of the open space and facilities, if the trust or corporation fails to provide adequate maintenance, and shall grant the County easement for this purpose. In such event, the County shall first provide fourteen (14) days' written notice to the trust or corporation as to the inadequate maintenance, and, if the trust or corporation fails to complete such maintenance, the County may perform it. The owner of each lot shall be deemed to have assented to the County placing and recording a lien against each lot in the development for the full cost of such maintenance, which liens shall be released upon payment to the County of same. Each individual deed, and the deed or trust or articles of incorporation, shall include provisions designed to effect these provisions. Documents creating such trust or corporation shall be submitted to the Land Use Department for approval, and shall thereafter be recorded in the registry of deeds.

C. **Enforceability:** Any proposed open space shall be subject to a recorded restriction, providing that such land shall be perpetually kept in an open state, that it shall be preserved for exclusively agricultural, horticultural, or recreational purposes, and that it shall be maintained in a manner which will ensure its suitability for its intended purposes.

D. **Stream Buffer:** The minimum stream buffer open area is one hundred feet (100') to act as a filter strip. This area may count towards the twenty five percent (25%) open space ratio requirement.

E. **Transportation Study:** Any cluster development with a planned build out of more than twenty five (25) dwelling units shall submit a traffic study as a part of its application; this study must be approved by the County Board. (Ord. 10-001, 1-12-2010)

8-2-5-30: SOLAR FARMS:

A. **Purpose:** The purpose of this section is to provide regulations for the permitting of solar farms as a special use for A Agricultural and I Industrial Zoning Districts. This section provides for the preservation, protection of natural resources such as forests, tributaries, and habitat while also providing restrictions for the development to aid in the quality of life for the adjacent property owners and general aesthetic qualities for the County while preventing detriment to the public health, safety and welfare of the County as a whole.

B. Definitions:

LARGE SOLAR ENERGY SYSTEM: Energy generated from multiple solar panels over a large parcel in which this would be the primary land use. Poles and racks of multiple solar panels would be used that would generate direct current (DC) rated capacity greater than one hundred kilowatts (100 kW).

SOLAR ARRAY: A number of photovoltaic modules or panels connected together to provide a single electrical output.

SOLAR COLLECTOR TOTAL HEIGHT: The height of the solar collector system from grade to the highest point of the system that may be achieved when in operation.

TRACKING SOLAR ARRAY: A solar array that follows the path of the sun to optimize the amount of solar radiation received by the device.

C. **Filing Requirements For A Special Use Of A Solar Farm:** Submittal packets for a special use for the construction of a solar farm shall contain the following:

1. **Application:** The applicant for a solar farm special use shall file twenty five (25) copies of application, including ten (10) full size copies of exhibits and fifteen (15) reduced copies of all exhibits, with the Land Use Department of the County, together with the appropriate site review application fee. The applicant is to provide up to ten (10) additional copies of the application to the County upon request.

2. **Land Use Department:** The Land Use Department of the County, upon receiving said application, shall do the following:

a. Accept for filing, and date stamp as filing, any application that is filed. The date stamp of the Land Use Department should be considered the official filing date for all time limit purposes. Receipt and acceptance of an application by the department is pro forma, and does not constitute an acknowledgment that the applicant has complied with the County ordinances.

b. The Land Use Department shall make available a copy of the application and public record concerning the application for public inspection during the normal business hours of the department. Additionally, the department shall provide to any person so requesting, copies of the application or the public record, upon payment by such persons for the actual cost of reproduction in accordance with the County FOIA requirements.

3. **Form Of Applications:**

a. All applications shall be in writing on paper of eight and one-half inches by eleven inches ($8\frac{1}{2}$ " x 11"), eight and one-half inches by fourteen inches ($8\frac{1}{2}$ " x 14"), or eleven inches by seventeen inches (11" x 17").

b. The pages of the application shall be consecutively numbered, and all exhibits clearly marked and identified.

c. The text portion of the application (not including exhibits or graphic presentations) shall be furnished in an electronic format. The exhibits or graphic representations may also be furnished in electronic format.

D. **Content Of The Solar Farm Application:** Every solar farm application shall include the following information and documentation:

1. **Evidence Of Physical Control:** The applicant shall provide evidence of the physical control of the site to be developed. Acceptable evidence shall include a redacted lease agreement, contract to purchase, or deed as proof of ownership.

2. **Applicant Information:** The applicant shall describe itself, its legal standing as to whether it is a corporation, limited liability company, individual, or other legal entity and shall identify its officers and directors, shareholders, and members. It shall also identify its parent and subsidiary companies. The same information shall be provided for all owners and operators of the solar farm system. In addition, the applicant shall identify the property owners that have entered into leases or agreements with the applicant and proof must be included that the applicant has the legal authority to bring this application in the name of such property owners.

3. **Project Description:** The applicant shall provide a general description of the project, which includes the following:

a. General description of the project including its total generating capacity affected area.

b. Site plan detailing the placement of the solar arrays and proposed access.

c. Equipment detail that outlines basic construction, electrical lines and substation location.

d. Fencing and landscaping location and description proposed for buffering and maintenance plan.

e. The total height of the solar arrays and other structures needed for the functioning of the solar farm.

4. Site Plan:

a. All proposed setback dimensions.

b. All proposed structures on the property, including, but not limited to, solar collectors, substations, and service roads.

c. Topographic site information for the subject property and the adjacent properties within a quarter mile of the property line of the subject property indicating contours in five foot (5') intervals.

d. Existing structures on subject property and properties within a quarter mile of the property.

e. All existing and proposed underground and aboveground utilities.

f. All rights-of-way, wetlands, wooded areas, and public conservation lands.

g. Ingress and egress from the site as proposed during construction and thereafter, which indicates:

(1) Proposed road surface and cover.

(2) Dust control.

(3) Width and length of access route and location of ingress.

(4) The applicant shall provide details of expected construction timelines regarding the development's local traffic impact.

h. Certified easements, contracts, waivers, and option agreements for proposed use of the land.

i. Fire protection plan for the construction and the operation of the facility, and emergency access to the site.

j. Revegetation or reclamation plan of the areas that will be disturbed.

k. Drainage plan and erosion control plan.

l. Description of hours of operation for construction and maintenance of the facility, numbers of employees and type of traffic expected to be generated from the site.

m. Public road routes.

E. Design And Installation Requirements:

1. Height: The total height of the solar collectors shall not exceed twenty feet (20') in height when oriented at a maximum tilt position unless specifically allowed by the Grundy County Board.

2. Setbacks:

a. Yard Setback Requirements: Setbacks from adjacent residentially used properties, with the exception of industrially zoned properties, shall be one hundred fifty feet zero inches (150'0"). All non-residentially used or industrially zoned properties shall be ten feet zero inches (10'0").

b. Public And Private Roads: Components of the solar collector system shall be located such that they are one hundred fifty feet (150') from public and private roads. All other setbacks shall meet the same distance as defined by the zoning district in which the parcel is located.

c. High Water Mark: High water mark of navigable waterways/public parks/public conservation lands: One hundred fifty feet (150').

d. Waiver: Any waiver of any setback requirement shall only be considered an effective compliance with this subsection if said waiver runs with the land and is recorded as part of the chain of title and the deed of the subject property.

3. Electrical Components: All electrical components of a solar farm shall conform to all applicable local utility standards and National Electric Codes. All electrical wires and lines that are used in conjunction with the solar farm shall be installed underground.

4. Environmental Impact: The applicant shall comply with all local, State, and Federal environmental regulations. The application shall provide an environmental impact analysis which will include how the project will take measures to minimize, eliminate or mitigate adverse impacts identified in the analysis. Applicant must arrange for the completion of a Natural Resource Inventory through the Grundy County Soil and Water Conservation District and provide that to the Land Use Department for review with the LESA scoring system. A formal consultation with the Illinois Department of Natural Resource Ecological Compliance Assessment shall be completed and provided as part of the formal submittal for the special use.

5. Warning Signage: Signs warning of the high voltage associated with the solar farm shall be posted at every entrance to the facility, at the base of all pad mounted transformers and substations. A sign that provides emergency contact information, such as phone number, shall be posted near the tower and the operations and maintenance building.

6. Landscaping: Applicant shall minimize the disruption of natural environment, retain existing vegetation and native plant species to the maximum extent feasible and replant with native vegetation if existing vegetation is disturbed during construction. Landscaping shall be used as part of screening from adjacent residentially used and street view areas. The landscape plan shall include a maintenance plan.

7. Federal And State Requirement Compliance: The solar collecting system shall meet or exceed any standards and regulations of any agency of the State or Federal government with the authority to regulate solar farms.

8. Power Lines: All electrical control wiring and power lines shall be wireless or underground with the exception of main service connection at the utility company right-of-way.

9. Access Roads: The applicant shall minimize the number and width of access roads, minimize cut and fill on sloping terrain and use natural terrain where feasible for these access points.

10. Roads: All routes on either County or township roads that will be used for the construction and maintenance purposes shall be identified on the site plan. All routes for either egress or ingress need to be shown. The routing shall be approved subject to the approval of the Grundy County Highway Engineer in coordination with the township Road Commissioners. The applicant shall provide and complete a preconstruction baseline survey to determine existing road conditions for assessing potential future damage due to development related traffic. The applicant shall provide a road repair plan to ameliorate any and all damage, installation or replacement of roads that might be required by the applicant. The applicant shall provide a letter of credit or a surety bond in an amount and form approved by the highway/roadway official(s).

11. Impact Study: The applicant shall provide a current property value impact study of adjacent properties prepared and signed by a licensed

appraiser. This impact study shall be made available to the public.

12. **Complaint Resolution:** The applicant shall develop a process to resolve any complaints that may arise from neighboring property owners during the construction and operation of the solar farm. The process may use an independent mediator or arbitrator and shall include a time limit for acting on a complaint that is received. The process shall not preclude the local government from acting on a complaint. The applicant shall provide to the nearby residents a phone number of the project manager during the construction of the facility if a problem should arise.

13. **Waste Disposal:** All solid waste generated from supplies, equipment, parts, packaging or operation of the facility shall be removed from the site immediately and disposed of in an appropriate manner. Any hazardous waste that is generated by the facility, including, but not limited to, lubricating materials, shall be removed consistent with all local, State and Federal rules and regulations.

14. **Drainage:** Applicant shall complete a drain tile survey of the site. Applicant shall work with all neighboring landowners and farmers to locate tile. Applicant will submit a drain tile survey as part of the stormwater review for site development permit and building permit application. Tiles that are either marked or unmarked that are damaged during construction or in the lifetime of the facility, the facility owner will repair or replace the damaged portion or implement a stormwater management plan that will replicate the function of the drain tile. Any repairs done from the damage from construction shall be approved by the farmer, landowner, and the County Engineer at the cost of the applicant. The plan shall also state that any damage to waterways, drainage ditches, field tiles or any other infrastructures caused by the construction or maintenance of the solar farm shall be completely repaired to near original condition and so as not to impede the natural flow of water. All repairs shall be completed within a reasonable amount of time. All existing drainage tiles that will be crossed by private access roads shall be removed and replaced with load resistant tiles as specified by the County Engineer and the Road Commissioner. This shall be done before the private access roads are used for construction purposes. The load resistant tiles shall extend a minimum of thirty feet (30') across the private access roads and shall be of the same diameter of the existing tiles. To ensure that all drainage tiles are located, reasonable measures shall be made to locate all existing tiles in the vicinity of the private access roads by exploratory trench or other appropriate methods. Financial assurances in the form of cash or an escrow account, surety bond or a letter of credit in a form and amount acceptable to the County Engineer shall be posted to assure compliance with this section.

15. **Conformance To Industry And Code Standards/Engineer Certification:** The solar farm shall comply with all applicable local and County Codes for the electrical, mechanical and structural components of the facility. All documents provided for building plan review shall be stamped and signed by a professional engineer. All solar collection system panels shall be certified by the Solar Collector and Certification Corporation (SRCC).

16. **Operation And Maintenance:** Each applicant or successor in interest shall have the facility inspected annually by third party qualified solar power professionals at their own expense. The third party qualified solar power professional shall be subject to the approval of the Grundy County Land Use Department. Within fifteen (15) days of the inspection a copy of all reports shall be provided to the Grundy County Land Use Department. Failure to provide this annual certification may cause the revocation of the special use as issued by Grundy County.

17. **Fencing:** Perimeter fencing having a maximum height of eight feet (8') shall be installed around the boundary of the solar farm. The fence shall contain appropriate warning signage that is posted such that it is clearly visible on the site.

18. **Vegetation Control:** A vegetation and weed control plan shall be provided that protects against the creation of a prey habitat and/or aesthetic impacts to the surrounding area.

19. **Cleaning Supplies And Solvents:** Cleaning chemicals and solvents used during the operation or maintenance of the solar farm facility shall consist of biodegradable products and shall be low in volatile organic compounds.

20. **Reflection Angles:** Reflection angles for solar collectors shall be oriented such that they do not directly glare onto adjacent residential parcels.

21. **Lighting:** Lighting that is used for security for the site shall be designed such that there is no reflective light that is projected onto adjacent properties.

22. **Emergency Plan:** An emergency plan shall be provided that has been approved by the local Fire Department having jurisdiction for the site.

23. **Maintenance; Inspections:** The maintenance of all of the solar farm grounds, plantings, and fencing shall be inspected monthly by the Land Use Department to ensure compliance. If compliance is not met, the applicant shall be notified to bring the site into compliance. Failure to do so shall require the applicant to provide to Grundy County a maintenance bond.

24. **Installation:** All solar collector installations shall be performed by a qualified solar installer.

F. **Decommissioning Or Abandonment Of The Solar Farm:** Prior to receiving a special use of the solar farm, the operator/owner shall provide for a decommissioning plan for the anticipated service life of the facility or in the event that the facility is abandoned or has reached its life expectancy. If the solar farm is out of service or not producing electrical energy for a period of nine (9) months, it will be deemed nonoperational and decommissioning and removal of that facility will need to commence according to the decommissioning plan provided and approved. The decommissioning plan shall have the following information provided:

1. Removal of the following within nine (9) months:

- a. All solar collectors and components, aboveground improvements and outside storage.
- b. Foundations, pads and underground electrical wires and reclaim the site to a depth of four feet (4') below the surface of the ground.
- c. Hazardous material from the property and dispose of in accordance with Federal and State law.

2. A cost estimate for the decommissioning of the facility shall be prepared by a professional engineer or contractor who has expertise in the removal of the solar farm. The decommissioning cost estimate shall explicitly detail the cost before considering any projected salvage value of the out of service solar farm. The decommissioning cost shall be made by cash, surety bond or irrevocable letter of credit at fifty percent (50%) before construction commences and the remaining fifty percent (50%) prior to fifth anniversary of the commencement of construction of the facility.

3. A restoration plan shall be provided for the site.

G. **Liability Insurance:** The owner or operator of the solar farm shall maintain a current general liability policy covering bodily injury and property damage and name Grundy County as an additional insured with limits of at least two million dollars (\$2,000,000.00) per occurrence and five million dollars (\$5,000,000.00) in the aggregate with a deductible of no more than five thousand dollars (\$5,000.00).

H. **Administration And Enforcement:** The County Zoning Officer shall enforce the provisions of this section through an inspection of the solar farm every year. The Zoning Officer is hereby granted the power and authority to enter upon the premises of the solar farm at any time by coordinating a reasonable time with the operator/owner of the facility. Any person, firm or corporation who violates, disobeys, omits, neglects, refuses to comply with, or resists enforcement of any of the provisions of this section shall, upon conviction, be fined not less than twenty five dollars (\$25.00) nor more than five hundred dollars (\$500.00) for each offense. Each component of the solar farm shall be the subject of a separate violation and further each week that a violation is permitted to exist shall constitute a separate offense. Other actions may be taken by law or in

equity to prevent or to remedy any violation of this section and these remedies shall be in addition to any other remedies, damages or penalties. (Ord. 2018-001, 1-9-2018)

8-2-5-31: VEHICLE SALES, RENTAL, AND SERVICE:

Vehicle sales, rental, and service may be allowed as a special use in the commercial general (CG) and industrial (I) districts, subject to the following provisions:

- A. Use Of Right Of Way Prohibited: No vehicles shall be parked on the public right of way. Violating vehicles will be removed by the county without notice at the owner's expense and shall constitute a zoning violation.
- B. Appearance: Vehicle sales, rental, and service establishments are permitted if it is demonstrated that:
 - 1. Repair bays do not front an adjacent public right of way or toward land that is zoned for residential use.
 - 2. No more than one elevated vehicle display platform is used, and the display raises the vehicle no more than three feet (3') off the ground.
 - 3. Accessory uses and structures, such as car wash facilities and their incidental functions (vacuums and air compressors) are set back a minimum distance of fifty feet (50') from any residentially zoned or used property.
 - 4. No existing buildings shall be reused for vehicle sales, rental, and service unless:
 - a. All lighting is brought into compliance with chapter 8, "Off Street Parking And Loading; Access Management; Exterior Lighting", of this title.
 - b. All outdoor vehicle display areas/lots are screened in accordance with chapter 9, "Landscaping And Tree Protection", of this title. (Ord. 10-001, 1-12-2010; amd. Ord. 2012-015, 4-10-2012)

8-2-5-32: VETERINARY PRACTICE:

Veterinary clinics/hospitals may be allowed as a special use in the commercial general (CG) and industrial (I) districts, subject to the following provisions:

- A. CG district:
 - 1. No large animal veterinary clinics shall be located in the CG district.
 - 2. A minimum of one acre is required if there are to be outside runs.
 - 3. No outside runs shall be located within one hundred feet (100') of residentially zoned or occupied property.
 - 4. For uses where all operations and activities are conducted within a fully enclosed building:
 - a. The building shall be designed and constructed with noise resistant materials (plans and specifications for noise reduction materials shall be approved by the director through the site development approval process or, if an existing building is to be used, through the building permitting process).
 - b. The minimum lot size shall be five thousand (5,000) square feet in a shopping center or ten thousand (10,000) square feet for freestanding buildings.
- B. I district:
 - 1. A minimum of one acre is required if there are to be outside runs.
 - 2. A minimum of three (3) acres of land area are required for large animal veterinary clinics.
 - 3. Runs or paddocks shall be used only during daylight hours and shall be set back a minimum of one hundred feet (100') from residentially zoned or used property. (Ord. 10-001, 1-12-2010; amd. Ord. 2012-015, 4-10-2012)

8-2-5-33: UTILITIES, COMMUNITY:

Community utilities may be allowed as a special use in the agricultural (A), agricultural residential (AR), planned residential (PR), residential (R), and commercial interchange (CI) districts subject to the following standards:

- A. Buffer: The facility shall be surrounded by a landscape buffer 1.5 times the requirements of chapter 9, "Landscaping And Tree Protection", of this title.
- B. Design Compatibility: In the PR and R districts, the design of the community utilities shall be compatible with the residential environment. Masonry walls, rather than fences, shall be used to screen the facility. The street faces shall be improved to provide continuation of the sidewalk areas, with landscaping designed to make the utility a part of the commercial area. (Ord. 10-001, 1-12-2010; amd. Ord. 2012-015, 4-10-2012)

8-2-5-34: UTILITY SCALE WIND ENERGY CONVERSION SYSTEMS (U-SWECS):

A. Purpose: The purpose of this section is to provide regulations for the permitting of utility scale wind energy conversion systems (U-SWECS) for the purpose of preserving and protecting natural resources such as forests, tributaries, and habitat; provide restrictions for the development of the U-SWECS to ensure the quality of life for adjacent property owners, aesthetic qualities of the county and to prevent detriment to the public health, safety and welfare.

- B. Filing Of U-SWECS Special Use Application Packet: The packet shall include the following information:
 - 1. Number Of Copies: The applicant for a U-SWECS special use shall file twenty five (25) copies of application, including ten (10) full size copies of exhibits and fifteen (15) reduced copies of all exhibits, with the land use department of the county, together with the appropriate site review application fee. The applicant is to provide up to ten (10) additional copies of the application to the county upon request.
 - 2. Land Use Department Action: The land use department of the county, upon receiving said application, shall do the following:
 - a. Accept for filing, and date stamp as filing, any application that is filed. The date stamp of the land use department should be considered the official filing date for all time limit purposes. Receipt and acceptance of an application by the department is pro forma, and does not constitute an acknowledgment that the applicant has complied with the county ordinances.
 - b. The land use department shall make available a copy of the application and public record concerning the application for public inspection during the normal business hours of the department. Additionally, the department shall provide to any person so requesting, copies of the application or the public record, upon payment by such persons for the actual cost of reproduction.
 - 3. Form Of Applications:

- a. All applications shall be in writing on paper of eight and one-half inches by eleven inches ($8\frac{1}{2}$ " x 11"), eight and one-half inches by fourteen inches ($8\frac{1}{2}$ " x 14"), or eleven inches by seventeen inches (11" x 17").
 - b. The pages of the application shall be consecutively numbered, and all exhibits clearly marked and identified.
 - c. The text portion of the application (not including exhibits or graphic presentations) shall be furnished in an electronic format. The exhibits or graphic representations may also be furnished in electronic format.
- C. Content Of U-SWECS Special Use Application: Every U-SWECS application shall include the following information and documentation:
1. Host Agreement: An executed host agreement must be appended to, and included as part of, any U-SWECS special use application filed with the county.
 2. Applicant Information: The applicant shall describe itself, its legal standing as to whether it is a corporation, limited liability company, individual, or other legal entity and shall identify its officers and directors, shareholders, and members. It shall also identify its parent and subsidiary companies. The same information shall be provided for all owners and operators of the U-SWECS system. In addition, the applicant shall identify the property owners that have entered into leases or agreements with the applicant and proof must be included that the applicant has the legal authority to bring this application in the name of such property owners.
 3. Project Description: The applicant shall provide a general description of the project, including its total approximate nameplate generating capacity; the equipment manufacturer, the type and model of U-SWECS proposed, the number of U-SWECS, the nameplate generating capacity of each U-SWECS, the proposed height of each U-SWECS tower and the diameter of each U-SWECS rotor.
 4. Site Plan:
 - a. All proposed setback dimensions.
 - b. All proposed structures on the property, including, but not limited to, U-SWECS towers, substations, and service roads.
 - c. Topographic site information for the subject property and the adjacent properties within a quarter mile of the property line of the subject property indicating contours in five foot (5') intervals.
 - d. Existing structures on subject property and properties within a quarter mile of the property.
 - e. All existing and proposed underground and aboveground utilities.
 - f. All rights of way, wetlands, wooded areas, and public conservation lands.
 - g. Ingress and egress from the site as proposed during construction and thereafter, which indicates:
 - (1) Proposed road surface and cover.
 - (2) Dust control.
 - (3) Width and length of access route and location of ingress.
 - (4) Road maintenance progress or schedule for proposed use of land.
 - h. Certified easements, contracts, waivers, and option agreements for proposed use of the land.
 - i. Notice by registered mail or certified mail to residents and residential microwave users within a two (2) mile radius of the subject property informing them of the proposed U-SWECS.
 - j. Utility interconnection details and a copy of written notification to the utility company requesting the proposed interconnection.
 - k. Fire protection plan for the construction and the operation of the facility.
 - l. Revegetation plan of the areas that will be disturbed.
 - m. Drainage plan and erosion control plan.
 - n. Description of hours of operation for construction and maintenance of the facility, numbers of employees and type of traffic expected to be generated from the site.
 - o. Public road routes.
- D. Design And Installation Requirements:
1. Height: The total height of a U-SWECS tower with blade or a meteorological tower used in conjunction with the U-SWECS shall not exceed four hundred feet zero inches (400'0") unless specifically allowed by the Grundy County board. (Ord. 10-001, 1-12-2010; amd. Ord. 2012-015, 4-10-2012)
 2. Setbacks: The setback of the towers shall not be less than the following:
 - a. Lot lines: 1.1 times the total height of the structure.
 - b. Pipelines and public rights of way: 1.1 times the total height of the structure.
 - c. Public roads: 1.1 times the total height of the structure.
 - d. Power or communication transmission line above or below ground: 1.1 times the total height of the structure.
 - e. Inhabited structures of participating properties: Seven hundred fifty feet (750') of any occupied dwelling, commercial business, school, church, hospital, or retail business when such building is occupied or used by humans on average of at least ten (10) hours per week, unless written permission is granted from the owner of such occupied structure for a lesser setback.
 - f. High water mark of navigable waterways: One thousand feet (1,000').
 - g. Public parks: One thousand eight hundred feet (1,800').
 - h. Driveway/access easements: One thousand feet (1,000').

- i. Highways: 1.1 times the total height of the structure.
- j. Public conservation lands: One thousand feet (1,000').

k. Nonparticipating inhabited structures: Inhabited structures on adjacent lands have a setback of one thousand feet (1,000'). Occupied residential and commercial buildings including, but not limited to, occupied dwellings, schools, churches, hospitals, retail buildings, and commercial buildings have a setback of one thousand eight hundred feet (1,800').

l. Any waiver of any setback requirement shall only be considered an effective compliance with this subsection if said waiver runs with the land and is recorded as part of the chain of title and the deed of the subject property.

m. Private air strips and restricted landing areas: Three thousand feet (3,000') from either side of a restricted landing area or five thousand feet (5,000') from the landing approach or departure surface end of the runway. (Ord. 2011-016, 10-11-2011; amd. Ord. 2012-015, 4-10-2012)

3. Color, Finish, And Appearance: The tower and the blades of the U-SWECS shall be nonreflective and white or gray or another nonreflective unobtrusive color that will aid in blending the system to the environment. The finish of the tower and the blades shall be matte and nonreflective. Blades may be colored black for deicing purposes. The towers and blades shall be uniform in style and color and direction of blade rotation. Any on site buildings shall be designed such that they are unobtrusive to minimize the industrial character of the project. All colors, finishes and design shall conform to all applicable FAA requirements. Except for required warnings, no lettering, company insignia, advertising or graphics shall be on any part of the tower, hub or the blades.

4. Blade Clearance: The vertical distance from the grade to the tip of the wind turbine blade when the blade is at its lowest point must be at least thirty five feet (35').

5. Lighting: If the towers are required by the FAA to be lit, the lights shall meet the FAA requirements at the lowest intensity allowed. No glare shall extend beyond the boundaries of the U-SWECS. Red strobe lights, which are timed to activate at intervals in unison, are preferred for nighttime illumination to reduce impacts on migrating birds. The applicant shall seek leave from the FAA to utilize the least intrusive lighting possible.

6. Controls And Brakes: All U-SWECS shall be equipped with manual and automatic controls and mechanical brakes to limit rotation of the blades to a speed below the design limits of the U-SWECS. A professional engineer or authorized factory representative must certify that the rotor and overspeed control design and fabrication conform to good engineering practices. No changes or alterations from the certified design shall be permitted unless accompanied by a professional engineer's or authorized factory representative's statement or certification and approved by the company.

7. Electrical Components: All electrical components of the U-SWECS shall conform to all applicable local utility standards and national electric codes. All electrical wires and lines connecting each U-SWECS to other U-SWECS shall be installed underground.

8. Shadow Flicker: The applicant shall conduct an analysis on the potential shadow flicker onto nonparticipating properties. The analysis shall identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sunrise to sunset over the course of a year. The analysis shall include measures to eliminate or mitigate these problems if a habitable residence is impacted by the shadow flicker on a nonparticipating property.

9. Environmental Impact: The applicant shall have a third party, qualified professional conduct an analysis to identify and assess any potential impacts on the natural environment including wetlands and other fragile ecosystems, historical or cultural sites and antiquities. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis. The applicant shall identify and evaluate the significance of any effects or concerns that will remain after mitigation efforts.

10. Avian And Wildlife Impact: The applicant shall have a third party, qualified professional conduct an analysis to identify and assess any potential impacts on wildlife and endangered species. The applicant shall take the appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.

11. Warning Signage: Signs warning of the high voltage associated with the U-SWECS shall be posted at every entrance to the facility, at the base of all pad mounted transformers and substations. Visible, reflective, colored objects such as flags, reflectors or tape shall be placed on the anchor points of guywires and along the guywires up to a height of not less than eight feet (8') from the ground. A sign that provides emergency contact information, such as phone number, shall be posted near the tower and the operations and maintenance building.

12. Landscaping: Applicant shall minimize the disruption of natural environment, retain existing vegetation and native plant species to the maximum extent feasible and replant with native vegetation if existing vegetation is disturbed during construction. Landscaping shall be used as part of screening from adjacent properties or public view. All landscaping shall comply with the requirements set forth in chapter 9, "Landscaping And Tree Protection", of this title.

13. Federal And State Requirement Compliance: The U-SWECS shall meet or exceed any standards and regulations of the FAA and any other agency of the state or federal government with the authority to regulate U-SWECS.

14. Power Lines: All electrical control wiring and power lines shall be wireless or not aboveground except where wind farm collector wiring is brought together for connection to the transmission or distribution network, adjacent to that network.

15. Access Roads: The applicant shall minimize the number and width of access roads, minimize cut and fill on sloping terrain and use natural terrain where feasible for these access points.

16. Roads: All routes on either county or township roads that will be used for the construction and maintenance purposes shall be identified on the site plan. All routes for either egress or ingress need to be shown. The routing shall be approved subject to the approval of the Grundy County highway engineer in coordination with the township road commissioners. The developer shall provide and complete a preconstruction baseline survey to determine existing road conditions for assessing potential future damage due to development related traffic. The developer applicant shall provide a road repair plan to ameliorate any and all damage, installation or replacement of roads that might be required by the developer. The developer applicant shall provide a letter of credit or a surety bond in an amount and form approved by the highway/roadway official(s).

17. Sound Pressure Level: The sound pressure level generated by a U-SWECS shall comply with all Illinois pollution control board (hereafter referred to as IPCB) noise regulations and in no event shall a U-SWECS exceed fifty five (55) dB at any point on adjacent properties. A modeling analysis of the proposed site shall be done and included in the application predicting the sound pressure in accordance with IEC 61400 and ISO 7613. To demonstrate compliance with the IPCB regulatory limits the modeling must perform its analysis from the noise emitting property to the property line of the neighboring property lines. After the U-SWECS is completed and operational, a third party shall complete a sound pressure analysis of the existing conditions. This analysis shall be completed and returned to the Grundy County land use office within sixty (60) days. The applicant must immediately cease any violation of the IPCB regulations unless said violation is excused and waived by the affected landowners and occupants.

18. Property Value Protection Plan: The U-SWECS application shall include a plan to protect the property values of any nonparticipating real property owner within two (2) miles of a U-SWECS tower or substation.

19. Complaint Resolution: The applicant shall develop a process to resolve any complaints that may arise from neighboring property owners during the construction and operation of the U-SWECS. The process may use an independent mediator or arbitrator and shall include a time limit for acting on a complaint that is received. The process shall not preclude the local government from acting on a complaint. The applicant shall provide to the nearby residents a phone number of the project manager during the construction of the facility if a problem should arise.

20. Safety/Climb Prevention: All U-SWECS shall be designed to prevent unauthorized access to electrical and mechanical components or access to the towers on the site. All towers shall not be climbable from the ground to fifteen feet (15') aboveground and all access doors to towers and equipment shall be lockable.

21. Waste Disposal: All solid waste generated from supplies, equipment, parts, packaging or operation of the facility shall be removed from the site immediately and disposed of in an appropriate manner. Any hazardous waste that is generated by the facility, including, but not limited to, lubricating materials, shall be removed consistent with all local, state and federal rules and regulations.

22. Signal And Electromagnetic Interference: U-SWECS shall not be installed in any location where its proximity to existing fixed broadcast, retransmission or reception antennas for radio, television or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception unless the applicant provided a replacement signal to the affected party that will restore reception to at least the level present before operation of the wind energy system. U-SWECS shall not be installed in any location within the line of sight of an existing microwave communications link where operation of the wind energy system is likely to produce electromagnetic interference in the link's operation unless the interference is insignificant. Any complaints that are received after the operation of the U-SWECS shall require that the owner or operator take reasonable steps to address the issue. In order to prevent potential issues in the future, the applicant shall contact all communication tower operators within five (5) miles of the proposed U-SWECS to address any potential conflicts.

23. Drainage: The plan shall state that any damage to waterways, drainage ditches, field tiles or any other infrastructures caused by the construction or maintenance of the U-SWECS shall be completely repaired to near original condition and so as not to impede the natural flow of water. All repairs shall be completed within a reasonable amount of time. The U-SWECS owner is to notify the county engineer that the construction of any part of the project encounters any underground field drainage tiles. A plan sufficient to provide remediation shall be submitted, reviewed and subject to the approval of the county engineer. All existing drainage tiles that will be crossed by private access roads shall be removed and replaced with load resistant tiles as specified by the county engineer. This shall be done before the private access roads are used for construction purposes. The load resistant tiles shall extend a minimum of thirty feet (30') across the private access roads and shall be of the same diameter of the existing tiles. To ensure that all drainage tiles are located, reasonable measures shall be made to locate all existing tiles in the vicinity of the private access roads by exploratory trench or other appropriate methods. All drainage tiles that are encountered during construction shall be noted on the site plan. Financial assurances in the form of cash or an escrow account, surety bond or a letter of credit in a form and amount acceptable to the county engineer shall be posted to assure compliance with this section.

24. Conformance To Industry And Code Standards/Engineer Certification: The U-SWECS shall comply with all applicable local and county codes for the electrical, mechanical and structural components of the facility. All documents provided for review shall be stamped and signed by a professional engineer.

25. Operation And Maintenance: Each applicant or successor in interest shall have the facility inspected annually by third party qualified wind power professionals at their own expense. The third party qualified wind power professional shall be subject to the approval of the Grundy County land use department. Within fifteen (15) days of the inspection a copy of all reports shall be provided to the Grundy County land use department. The U-SWECS shall not operate unless a certificate is provided to the Grundy County land use department indicating that the annual maintenance has been completed and the facility is in good working condition. Failure to provide this annual certification may cause the revocation of the special use as issued by Grundy County.

E. Decommissioning Or Abandonment Of The U-SWECS: Prior to receiving a special use of the U-SWECS, the operator/owner shall provide for a decommissioning plan for the anticipated service life of the facility or in the event that the facility is abandoned or has reached its life expectancy. If the U-SWECS is out of service or not producing electrical energy for a period of nine (9) months, it will be deemed nonoperational and decommissioning and removal of that facility will need to commence according to the decommissioning plan provided and approved. The decommissioning plan shall have the following information provided:

1. Removal of the following within two hundred seventy (270) days:

- a. All wind turbines, aboveground improvements and outside storage.
- b. Foundations, pads and underground electrical wires and reclaim the site to a depth of four feet (4') below the surface of the ground.
- c. Hazardous material from the property and dispose of in accordance with federal and state law.

d. A cost estimate for the decommissioning of the facility shall be prepared by a professional engineer or contractor who has expertise in the removal of U-SWECS. The decommissioning cost estimate shall explicitly detail the cost before considering any projected salvage value of the out of service U-SWECS. The decommissioning cost shall be made by cash, surety bond or irrevocable letter of credit before any construction commences.

e. A restoration plan shall be provided for the site.

F. Liability Insurance: The owner or operator of the U-SWECS shall maintain a current general liability policy covering bodily injury and property damage and name Grundy County as an additional insured with limits of at least two million dollars (\$2,000,000.00) per occurrence and five million dollars (\$5,000,000.00) in the aggregate with a deductible of no more than five thousand dollars (\$5,000.00).

G. Administration And Enforcement: The land use department shall enforce the provisions of this section through an inspection of the U-SWECS facility every year. The land use department is hereby granted the power and authority to enter upon the premises of the U-SWECS at any time by coordinating a reasonable time with the operator/owner of the facility. Any person, firm or corporation who violates, disobeys, omits, neglects, refuses to comply with, or resists enforcement of any of the provisions of this section shall, upon conviction, be fined not less than twenty five dollars (\$25.00) nor more than five hundred dollars (\$500.00) for each offense. Each tower, nacelle, or any other component of the U-SWECS shall be the subject of a separate violation and further each week that a violation is permitted to exist shall constitute a separate offense. Other actions may be taken by law or in equity to prevent or to remedy any violation of this section and these remedies shall be in addition to any other remedies, damages or penalties. (Ord. 10-001, 1-12-2010; amd. Ord. 2012-015, 4-10-2012)

8-2-5-35: MEDICAL CANNABIS:

A. Cultivation Center: Medical cannabis cultivation centers are allowed as special uses only in industrial zoning districts and meeting all of the following regulations:

1. Registration: Registration proof from the state of Illinois department of agriculture to perform the function to provide medical cannabis to registered medical cannabis dispensing organization.
 2. Minimum Distance From Specific Uses: Medical cannabis cultivation centers shall be a minimum of two thousand five hundred feet (2,500') from the property line of a preexisting public or private preschool, elementary or secondary school, daycare center, daycare home, group daycare home, part day childcare facility, or any zoning district that allows for residential uses.
 3. Measurement Of Minimum Distance: All distances shall be measured in a straight line, without the consideration of intervening structures or objects; from the nearest point on the property line of the lot on which an applicable cultivation center is located to the nearest point of property line of any zoning district that allows for residential uses.
 4. Cultivation Centers Single Use Site: Cultivation centers shall be established as the only use on a single parcel that complies with the requirements of this section. Parking lot area shall be for the exclusive use of the center and for no other uses as shared space.
 5. Setbacks: Cultivation centers shall be a minimum of fifty feet zero inches (50'0") from all property lines of the parcel intended for construction.
 6. Parking:
 - a. Parking area shall be well lit and also be monitored by video surveillance equipment whose live images are viewed by the staff who work as security for the center. Surveillance equipment and recording devices shall be tamperproof and continually video monitored twenty four (24) hours daily.
 - b. The video surveillance equipment and images shall be available twenty four (24) hours per day seven (7) days a week to the department of agricultural and law enforcement agencies via a secure web based portal.
 - c. Parking shall comply with the requirements that are set forth in section 8-8-1-6, "Standard Parking And Handicapped Space Standards", of this title.
 7. Signage:
 - a. Signage shall be limited to one flat wall sign that is limited in area to ten (10) square feet. One identification sign is allowed as a freestanding sign on the site that is limited to two (2) square feet in area. No illumination of either sign will be allowed.
 - b. Signs shall not contain images such as cannabis leaves, plants, smoke paraphernalia, or cartoonish imagery that is oriented toward youth or any language referring to cannabis.
 8. Security And Video Surveillance:
 - a. All cultivation, production and related operations at a medical cannabis cultivation center shall be completed within an enclosed locked facility. The facility shall have adequate security, lighting, video surveillance, personnel and alarms designed to ensure the safety of persons and to protect the site from theft.
 - b. The facility shall be enclosed on the perimeter with a high security fencing (8 feet 0 inches) or wall that prevents unauthorized entry with gates that are connected to an access control system.
 - c. All parking, cultivation, production warehouses, shipping bays, and entrances shall be monitored twenty four (24) hours a day seven (7) days a week by video surveillance equipment that is continually recorded in a tamperproof format. The surveillance recordings shall be available to all local and state law enforcement and the department of agriculture.
 - d. The land use department shall review the adequacy of the lighting, security, and video surveillance with the aid of the local law enforcement officials to ensure that the special use permit as authorized by the county board has been complied with.
 - e. Loading of product shall occur with secure enclosed shipping bays and shall not be visible from any point from the exterior of the facility.
 9. Noxious Odors: All cultivation facilities shall be operated so that odors are not released from the site to neighboring premises or properties, and if necessary a ventilation system shall be employed to filter any ventilation exhaust air from the building.
 10. Activities On Site:
 - a. A cultivation center shall not sell or distribute any medical cannabis to any individual or entity other than a licensed dispensary organization that is registered under the compassionate use of medical cannabis pilot program act.
 - b. The facility shall not cultivate, manufacture, process or package any product other than medical cannabis and cannabis infused products, at a cultivation center.
 - c. Consumption of cannabis is prohibited at the cultivation center or anywhere on the site in which the center is located.
- B. Medical Cannabis Dispensary:**
1. Minimum Distance From Protected Uses:
 - a. No medical cannabis dispensary organization shall be established, maintained or operated on any lot that has a property line within one thousand feet (1,000') of a property line of a preexisting public or private preschool, elementary or secondary school, daycare center or residence, or group daycare residence.
 - b. No medical cannabis dispensary shall be located within five hundred feet (500') of a property line that is adjacent to a preexisting zoning district that allows for residential uses, place of worship, park or forest preserve.
 - c. All measurements shall be in a straight line, without regard to intervening structures or objects, from the nearest point on the property line of the lot on which an applicable dispensary is located to the nearest point on any property line of any protected use.
 - d. The dispensary shall be a minimum of thirty feet (30') from all property lines.
 - e. Dispensary shall be a minimum of one thousand feet (1,000') from all other dispensaries as measured from the applicable property lines.
 2. Compliance:
 - a. All dispensaries shall be in compliance with the compassionate use of medical cannabis pilot program act and all rules and regulations adopted in accordance thereto.

b. No other uses shall be established on the tenant property or on a site that shares parking with any other use.

3. Parking:

a. Parking shall be located such that it is visible from a public road or a private road and shall be accessible to the public. There shall be no visual obstruction such as vegetation or fencing that causes a visibility issue.

b. Parking area shall be well lit and monitored by video surveillance cameras that project live images to dispensary security staff and are continually recorded in tamperproof format. All recorded images shall be made available to local and state law officials when requested.

c. Parking shall comply with the requirements that are set forth in section 8-8-1-6, "Standard Parking And Handicapped Space Standards", of this title.

4. Exterior Display And Advertising:

a. No spotlights, or flashing lights or similar advertising shall be used to direct the public to the dispensary.

b. Signs shall be limited to one flat wall sign that is limited to a maximum of ten (10) square feet and one freestanding sign that is not larger than two (2) square feet.

c. Signs shall not contain cannabis imagery such as leaves, plant, smoke, paraphernalia, or cartoonish imagery oriented toward youth or any language referring to cannabis.

d. A sign shall be posted that specifically states the following: "Only cardholders, designated caregivers, and staff may enter these premises. Persons under the age of 18 are prohibited from entering." The text for this sign shall not be larger than one inch (1") in height.

e. Merchandise packaging and bags for customers shall be opaque and shall be without any graphics, text, or identifying features that indicate the contents of the products within the packaging.

5. Hours Of Operation:

a. Dispensary hours shall be limited to six o'clock (6:00) A.M. to eight o'clock (8:00) P.M. local time.

b. Deliveries shall occur between seven o'clock (7:00) A.M. and nine o'clock (9:00) P.M. local time and shall occur within a secure, enclosed delivery bay that is not visible from any location off of the premises of the dispensary.

6. Drive-Through Windows: Drive-through services are prohibited for dispensaries.

7. Security And Video Surveillance:

a. Dispensaries shall be enclosed and locked with adequate security that includes lighting, video surveillance, security personnel, and alarms that are designed for the purpose of protecting the occupants and also the site from theft.

b. The parking area, client entrance, sales area, backroom, storage areas, and delivery bay and entrance shall all be monitored twenty four (24) hours seven (7) days a week and have live images viewable by security on site. All recordings of surveillance shall be made available to local and state law officials.

c. The land use department shall review with the Grundy County sheriff the lighting and security systems and video surveillance to determine propriety for the facility.

8. Conduct At The Location:

a. Loitering is prohibited on the dispensary property and shall be dealt with appropriately by the security staffing.

b. Cannabis products shall not be consumed within the dispensary or anywhere on the site occupied by the dispensary. Consumption includes: smoking, eating, drinking or any other form of consumption of cannabis.

9. Drug Paraphernalia Sales: Dispensaries that display or sell drug paraphernalia shall do so in compliance with the Illinois drug paraphernalia control act ¹ and the compassionate use of medical cannabis pilot program act ². (Ord. 2014-018, 11-10-2014)

Notes

¹ 1. 410 ILCS 130/1 et seq.

¹ 1. 720 ILCS 600/1 et seq.

² 2. 410 ILCS 130/1 et seq.

8-2-5-36: OUTDOOR PUBLIC SHOOTING RANGES:

Commercial Outdoor Public Shooting Ranges, not including private firearm ranges, shall be permitted as special uses for firearm training purposes in A-Agricultural and I-Industrial zoning districts, subject to the following provisions:

A. Development Requirements:

1. Commercial outdoor public shooting ranges shall be designed by a design

professional (architect or engineer) who will verify compliance to the standards listed in the current National Rifle Association (NRA) "The Range Manual, A Guide to Planning and Construction".

2. Setbacks for all portions of the outdoor public shooting range shall be as follows:

a. 300 feet from all property lines.

b. 1,000 feet from all occupied structures on adjacent properties.

3. Warning signs: Warnings signs for the commercial outdoor public shooting ranges shall be in compliance with the requirements listed in the NRA "The Range Manual, A Guide to Planning and Construction" and be placed every one hundred feet (100'-0") along the perimeter of the facility.

4. Environmental Protection: The commercial outdoor public shooting range shall be designed such that it is in compliance with the Best Management Practices of the current edition of the United States Environmental Protection Agency's Best Management Practices for Lead at Outdoor Shooting Ranges. The range shall be designed to prevent contamination of any waterway considered "Waters of the U.S." as defined by the U.S. Army Corps of Engineers, wetland or floodplain in accordance with the Clean Water Act.

5. Fencing shall be placed around the entire perimeter of the commercial outdoor public shooting range. Fencing shall be six feet in height and designed to prevent trespassing.

6. Parking and bathroom/sanitary facilities shall be provided for maximum occupancy of the commercial outdoor public shooting range.

7. A safety plan shall be provided that complies with the requirements of the NRA current edition of, "The Range Manual, A Guide to Planning and Construction."

B. Operational Requirements:

1. Hours of Operation shall be from 8:00 AM to sunset for hand firearm training.

Exception:

a. Law enforcement officers are able to practice after sunset for the purposes of subdued lighting certification.

b. Night shooting as part of course certification shall be allowed twice a month maximum that operates two hours after official sunset.

2. Liability Insurance: Proof of liability insurance in the minimum amount of one million dollars (\$1,000,000.00) shall be provided to Grundy County that names Grundy County as an additional insured party and shall save and hold Grundy County, its appointed officials, and employees acting within the scope of their duties harmless from and against all claims, demands, and causes of action of any kind or character, including the cost of defense thereof, arising in favor of a person or group's members or employees or third parties on account of any property damage arising out of the acts or omissions of the permittee, his/her/ group, club, or its agents or representatives. Grundy County shall be notified immediately if there are any changes or lapses to this liability insurance coverage.

3. The facility shall have an NRA certified Chief Range Safety Officer (CRSO) who writes the Standard Operating Procedures and oversees range operations. Whenever the range is in use either the CRSO or a designated NRA certified Range Safety Officer shall be present and supervising range safety.

4. The range safety manager shall provide an annual report to the Land Use Department that indicates that the facility complies and is maintained such that all of the requirements listed within this section, all local, state, and federal fire arm/firearm laws, the current NRA edition of "The Range Manual A Guide to Planning and Construction", and any imposed additional conditions by the County Board are complied with.

5. No alcohol or other illicit drugs shall be on the premises of the facility nor shall any of the participants of the facility be under the influence of drugs and/or alcohol during operational hours of the facility.

6. All participants utilizing the facility shall comply with all local, state, and federal firearm and firearm laws.

7. The noise levels measured at the property line of the facility shall not exceed sixty-five (65) dBA when the facility is adjacent or across the street from an existing occupied structure.

C. Submittal for Special Use for Commercial Outdoor Public Shooting Ranges:

1. Completed application

2. Drawings completed by a design professional (architect or engineer) that provides all of the following information:

a. Property lines of the parcel that will include the shooting facility.

b. Distance of the shooting range to all property lines.

c. Occupied structures on adjacent properties including properties that are across the street within 1,000 feet.

d. Safety sign locations and example of such signage.

e. Fence location, and type.

f. Driveway and proposed parking area for participants.

g. Location and number of bathrooms/sanitary facilities for participants.

h. Location of all streams, water, or waterways (including dry river beds), floodplain, and wetland located on the property and distance to the facility.

i. Existing structures, well head, and trees on the property and distance to the facility.

j. Projected noise contours showing the dB levels at the property lines if adjacent to occupied parcels

k. All details and information listed under A. Development Requirements and B. Operational Requirements (Ord. 2021-015, 6-8-2021)

8-2-6: TEMPORARY USES:

This section 8-2-6 provides the standards for approval of temporary uses, including such temporary uses as temporary outdoor sales, contractors' offices (on site), farm stands, model homes, and the like. Additional standards may be applied as determined necessary. (Ord. 10-001, 1-12-2010)

8-2-6-1: STANDARDS FOR ALL TEMPORARY USES:

A. Standards: All temporary uses shall be reviewed against the following criteria:

1. Traffic Circulation: The temporary use shall have adequate sight distances for safe vehicular ingress and egress. It shall have adequate turn lanes or provide for police control to move traffic in and out of the use. The adjacent street shall have adequate capacity to handle the anticipated additional flow of traffic.

2. Public Convenience And Litter Control: Adequate on site restroom facilities may be required to handle the expected attendance. Adequate waste containers shall be required and a written guarantee shall be required that all litter generated by the event shall be removed at no expense to the county. This shall include adjoining public rights of way.

3. Signs: A sign permit is not required; however, the land use department shall review and approve all signage. The land use department may

approve signs up to fifty percent (50%) smaller than would be permitted in chapter 5, "Signs", of this title, and may also approve attention getting devices. The number, type, and size of signs and attention getting devices shall be determined using the following criteria:

- a. The need for obvious way finding information, based on the location of the event and its likelihood of attracting visitors who are unfamiliar with the area, who may lose their way or become confused if signs are limited to the sign area otherwise allowed by this title.
- b. The type, length, and size of the proposed event or use.
- c. Sight distances, other signage in the area or on the property, sidewalks, traffic volumes, and speed on the road.
- d. Other lighting in area, type of neighbors, light intensity, and glare potential.
- e. Logical travel routes to the site.

B. **Modification Of Provisions:** The land use department may establish additional conditions deemed necessary to ensure land use compatibility or minimize potential adverse impacts on neighboring properties, public streets, or the county. These may include, but are not limited to, the following:

1. Modification or restrictions on hours of operation or duration of the event.
2. Posting of a performance bond to ensure cleanup and removal of signage.
3. Arrangements satisfactory to the county for the provision of special or extraordinary services or equipment, such as traffic control or security personnel, or equipment that is needed to ensure safe operation of the use or event. This may also include liability insurance.
4. The land use department may refuse to issue a permit if the event is too large to be safe for the site, neighborhood, street, or other infrastructure, or may place limits on attendance to ensure it can be properly managed.

C. **Other Permits And Licenses:** All temporary uses or special events shall comply with all state and county regulations pertaining to the intended activities or occupancy. (Ord. 10-001, 1-12-2010)

8-2-6-2: CONTRACTOR'S OFFICE:

Temporary contractors' offices shall be permitted in the planned residential (PR), residential (R), commercial general (CG), and commercial interchange (CI) districts, subject to administrative review that demonstrates that the following provisions are met:

A. **Occupancy:** The office will not be opened or occupied until after the latest of the following:

1. Final plat or development plan approval which identifies the location of the sales or contractor's office; or
2. Issuance of a curb cut permit for the development.

B. **Removal:** The office structure shall be removed or converted to a use permitted in the district upon the earlier of:

1. Ten (10) days after the issuance of a certificate of occupancy for the final unit or building; or
2. In residential developments, after the last house is framed.

C. **Hours Of Operation:** Contractors' offices shall operate from no more than one hour before to one hour after permitted construction hours in the county. (Ord. 10-001, 1-12-2010)

8-2-6-3: FARM STAND OR FARMERS' MARKET:

Temporary farm stands or farmers' markets may be permitted in the agricultural (A) district, subject to administrative review that demonstrates that the following provisions are met:

A. Access should be taken by means of the farmer's driveway.

B. Additional curb cuts would need to be approved separately. The township road commissioner, Illinois department of transportation, or the county highway engineer would provide approval of curb cuts if it was a township, state, or county road, respectively.

C. In addition to meeting any Illinois department of transportation setback and access requirements, the development review committee shall ensure that there is adequate access and parking. (Ord. 10-001, 1-12-2010)

8-2-6-4: MODEL HOMES:

The use of temporary model homes may be allowed in the planned residential (PR) and residential (R) districts, subject to administrative review that demonstrates that the following provisions are met:

A. Permits for model homes shall be issued after the roads and all utilities are installed and the subdivision plat is recorded or a guarantee in the form of a letter of credit or other similar instrument is filed with the county.

B. The units shall have approved landscaping and paved parking prior to use as model homes.

C. Residential use is not permitted until the home is no longer used for sales purposes and a regular occupancy permit is issued. (Ord. 10-001, 1-12-2010)

8-2-6-5: SPECIAL EVENTS:

Special events in public athletic fields or parks may be regulated by the county board or appropriate school district and are not limited by this section. All other special events may be authorized as a special use in agricultural (A), commercial general (CG), and commercial interchange (CI) districts. All other special events shall meet the following standards:

A. **Frequency:** Special events shall not be held on a property more than two (2) times per calendar year.

B. **Duration:** The special event shall be limited to no more than four (4) successive days.

C. **Access:** If deemed necessary by the county sheriff, property access shall be controlled by special traffic personnel paid for by the applicant. Prior to receiving a permit, the applicant must provide written communication from the sheriff indicating adequate provisions have been made.

D. **Sanitation:** The county health department shall approve the sanitary provisions. Prior to receiving a permit, the applicant must provide written communication from the environmental health director indicating adequate provisions have been made.

E. **Electrical Service And Lighting:** The county's electrical inspector shall approve all electric and lighting facilities. Prior to receiving a permit, the applicant must provide written communication from the inspector indicating adequate provisions have been made.

F. Noise: Maximum noise levels shall comply with Grundy County ordinance 08-004.

G. Surety: The applicant shall provide surety for complete site restoration upon the event's conclusion or should the permit be revoked. (Ord. 10-001, 1-12-2010)

8-2-6-6: SALES OFFICE:

Temporary sales offices are permitted in commercial general (CG), commercial interchange (CI), and industrial (I) districts, subject to administrative review that demonstrates that the following provisions are met:

A. Residential Property:

1. Scale Of Development: Sales offices are permitted only if the development includes five (5) or more residential units to be constructed on contiguous lots.

2. Time Of Occupancy:

a. Sales offices will not be opened or occupied until a final plat or development plan is approved and the road and utilities are installed or a letter of credit or similar guarantee is filed with the county.

b. Sales offices will be removed after the last house is framed, or the office structure will be converted to a use permitted in the district within ten (10) days after the issuance of a certificate of occupancy for the final unit or building.

3. Location: The final plat or development plan identifies the location of the sales office.

B. Commercial And Industrial Property: Sales offices for office, business, or industrial park uses will be removed when the first building that is not built for a single occupancy is completed. (Ord. 10-001, 1-12-2010)

CHAPTER 3
DISTRICT INTENSITY AND BULK STANDARDS

SECTION:

8-3-1: Purpose

8-3-2: Conventional Residential Development

8-3-2-1: Residential Density Standards

8-3-2-2: Single-Family Detached

8-3-3: Planned And Cluster Development

8-3-3-1: Dwelling Unit Mix Standards For Planned Residential Developments

8-3-4: Nonresidential Scale

8-3-4-1: Nonresidential Bulk Standards

8-3-4-2: Nonresidential Scale And Design Regulations

8-3-1: PURPOSE:

The purpose of this chapter is to establish the general standards for the character of development that is allowed within each zoning district.

A. Standards Applicable To Parcels Proposed For Development: This chapter establishes general regulations for the character of specific parcels proposed for development. This is accomplished through the establishment of:

1. Limitations on density and intensity,
2. Minimum open space requirements for residential and mixed use development,
3. Maximum impervious surface areas for nonresidential development, and
4. Minimum lot area requirements for all land uses.

B. Standards Applicable To Individual Lots: The character of development of individual lots is regulated by minimum requirements for building height, lot dimensions, setbacks, floor area ratios, and open space or impervious surface limitations. (Ord. 10-001, 1-12-2010)

8-3-2: CONVENTIONAL RESIDENTIAL DEVELOPMENT:

8-3-2-1: RESIDENTIAL DENSITY STANDARDS:

Residential site development standards are shown in table 8-3-2-1, "Residential Density Standards", of this section.

TABLE 8-3-2-1

RESIDENTIAL DENSITY STANDARDS

District And Development Type (Average Lot Size)	Minimum Open Space Ratio (OSR) ¹	Minimum Lot Size	Minimum Area Of Site Proposed For Development
District And Development Type (Average Lot Size)	Minimum Open Space Ratio (OSR) ¹	Minimum Lot Size	Minimum Area Of Site Proposed For Development
Agricultural (A):			
Farmstead	n/a	1.5 acres	20 ac.

Manufactured home park	0.20	7,200 sq. ft. – 12,240 sq. ft.	10 acres with 20 acres maximum
Single-family (Ag. split option) ²	n/a	5 acres	20 acres
Agricultural residential (AR):			
Farmstead	n/a	1.5 acres	n/a
Single-family	n/a	1.5 acres	n/a
Planned residential (PR):			
Cluster	0.25	18,000 sq. ft.	15 acres
Single-family	0.10	2 acres	15 acres
Residential (R):			
All permitted residential types	See section 8-3-2-2, "Table 8-3-2-2, Single-Family Lot And Building Standards", of this chapter for the residential (R) district		
Commercial general (CG):			
Multi-family	0.30	8,000 sq. ft.	4 acres

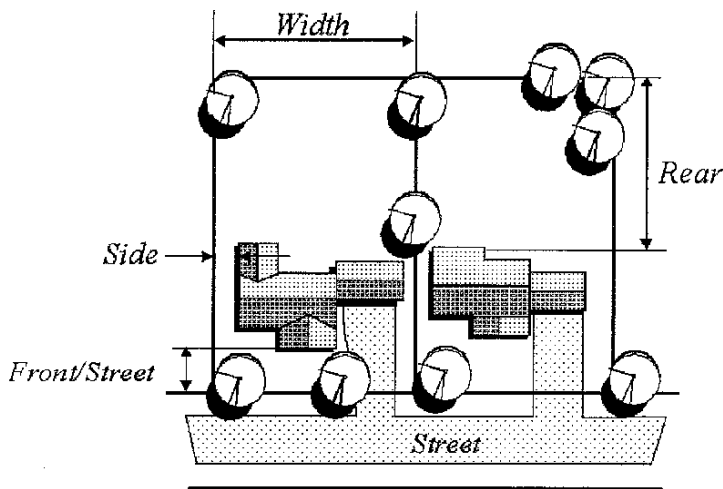
- Notes:
- OSR - "open space ratio". OSR for single-family and manufactured housing development does not apply to the development of 1 home on an individual lot of record.
 - Up to 5 lots permitted, provided there is a 20 acre combined required area per single-family residence. See section 8-2-4-10 of this title.
- (Ord. 10-001, 1-12-2010)

8-3-2-2: SINGLE-FAMILY DETACHED:

A. Generally: The single-family detached housing type consists of a single-family detached residence located on a privately owned lot with private yards on each side of the unit. There shall be not more than one such principal residential dwelling on each lot. See figure 8-3-2-2, "Single-Family Detached Unit", of this section.

FIGURE 8-3-2-2

SINGLE-FAMILY DETACHED UNIT



B. Standards: The lot and building standards for single-family detached units are set out in table 8-3-2-2, "Single-Family Lot And Building Standards", of this section.

TABLE 8-3-2-2

SINGLE-FAMILY LOT AND BUILDING STANDARDS

Zoning District	Minimum						Maximum	
	Minimum Lot Area	Lot Width	Front Yard	Side Yard	Corner Side Yard	Rear Yard	Height	Building Coverage
Agricultural (A)	1.5 acre	170'	50'	30'	50'	50'	35'	–
Agricultural residential (AR)	1.5 acre ¹	170'	50'	50'	50'	50'	35'	0.15
Planned residential (PR)	18,000 sq. ft.	90'	25'	25'	25'	35'	28'	0.3

Residential (R) subdistricts	See subsection C of this section							
Residential (R-200)	5 acres	350'	50'	40'	50'	50'	35'	0.06
Residential (R-40)	40,000 sq. ft.	100'	50'	30'	50'	40'	30'	0.3
Residential (R-12)	12,500 sq. ft.	80'	25'	10'	30'	30'	30'	0.4

Note:

1. See section 8-2-3-11, "Residential Development", of this title, for additional lot area requirements for the agricultural residential (AR) district.

C. Dwellings In The Residential (R) District: The development standards are intended to allow flexibility to property owners in established neighborhoods within the residential (R) district to improve and expand their homes in a manner that is consistent with the character of the immediate area.

1. Subdistricts are established within the residential (R) district to accommodate variation in the forms and scale of residential development and subdivisions that have been built in the unincorporated areas of Grundy County under earlier zoning provisions.

2. The lot and building standards for residential (R) subdistricts are as shown in table 8-3-2-2, "Single-Family Lot And Building Standards", of this section.

D. Attached Accessory Residential Units: Accessory dwellings may be built on any existing or future single-family residential lot that meets the standards below. The accessory unit is exempted from the calculation as a dwelling unit when determining the maximum density in section 8-3-2-1, "Table 8-3-2-1, Residential Density Standards", of this chapter. Accessory units may be constructed as follows:

1. Transition: The plan shall provide a means of protecting adjoining residential uses or residentially zoned land from any impacts of the additional density and design of the unit. Increased buffer yard opacity, landscaping, setbacks from the adjoining homes, or prohibiting the lots that abut the site boundary from having the accessory units are techniques that may be required (see chapter 9, "Landscaping And Tree Protection", of this title).

2. Unit Standards: An accessory unit shall consist of not more than eight hundred fifty (850) square feet. It shall have no more than one bedroom or bathroom.

3. Unit Design: The applicant shall submit plans showing how the home will be designed to provide for an attached accessory unit. The unit shall be within the structure or above an attached garage. Specific design standards shall be provided for each one of the arrangements that are to be permitted. In no event shall a single-family or cluster lot smaller than six thousand (6,000) square feet contain an accessory unit.

4. Appearance: The accessory living unit, and any related changes to the property, shall be designed so that the appearance remains that of a single-family residence and is consistent with the single-family character of other residences in the neighborhood. Any new entrances shall be located on the side or in the rear of the building.

5. Other Forms Of Ownership Prohibited: The single-family dwelling or the accessory living unit shall not be converted to a condominium or any other form of legal ownership distinct from the ownership of the existing single-family dwelling. An accessory living unit shall be recorded by deed addendum, indicating the conditions and limitations of the approval granted.

6. Owner Occupied Principal Dwelling Required: The single-family dwelling to which an accessory living unit has been added shall be owner occupied.

7. Allowed As Part Of Housing: Accessory living units will be allowed only as part of single-family detached housing.

8. Access To Principal Dwelling: The accessory living unit shall have convenient and direct access to the principal dwelling unit.

9. Occupancy: The occupancy shall be limited to a specific extended family member(s). For the purposes of this title, "extended family" is defined as parents (and their spouses), grandparents (and their spouses), children (and their spouses), grandchildren and persons under legal guardianship. In the event that extended family member(s) vacate that unit, the administrative review permit shall expire and any new occupancy shall require a new administrative review permit application. (Ord. 10-001, 1-12-2010)

8-3-3: PLANNED AND CLUSTER DEVELOPMENT:

8-3-3-1: DWELLING UNIT MIX STANDARDS FOR PLANNED RESIDENTIAL DEVELOPMENTS:

A. Generally: All planned developments shall provide a mix of dwelling unit types.

B. Requirement: Table 8-3-3-1, "Dwelling Unit Mix Requirements", of this section, indicates the number of dwelling unit types that are required for developments of various sizes.

TABLE 8-3-3-1

DWELLING UNIT MIX REQUIREMENTS

Project Size (Total Units)	Minimum Number Of Types	Maximum Percentage Any Type	Minimum Percentage Any Type ¹
Less than 30	1	100	25
30 – 80	2	70	20
More than 80	3	55	10

Note:

1. This requirement applies even if more than the minimum number of housing types are provided.

C. Phasing:

1. When a development is to be phased, the maximum residential development capacity of the site shall be used for calculating the required

mix.

2. When a parcel is broken up over time and developed as planned developments, the county may impose a mix based on the original property size to ensure an adequate mix of housing types. (Ord. 10-001, 1-12-2010)

8-3-4: NONRESIDENTIAL SCALE:

8-3-4-1:NONRESIDENTIAL BULK STANDARDS:

Nonresidential bulk requirements include the following requirements:

TABLE 8-3-4-1

NONRESIDENTIAL BULK REQUIREMENTS

District And Use	Minimum						Maximum
	Lot Area	Lot Width ¹	Front Yard ^{1,2}	Side Yard	Rear Yard ¹	Minimum Area Of Proposed Land Development ¹	Building Height
	Minimum						Maximum
	Lot Area	Lot Width¹	Front Yard^{1,2}	Side Yard	Rear Yard¹	Minimum Area Of Proposed Land Development¹	Building Height
Agricultural (A) and agricultural residential (AR):							
All uses	5 acres	n/a	50 ft.	25 ft.	50 ft.	5 acres	35 ft.
Planned residential (PR):							
Institutional residential	2 acres	100 ft.	40 ft.	15 ft.	25 ft.	2 acres	35 ft.
Office/retail/service	10,000 sq. ft.	100 ft.	40 ft.	25 ft.	25 ft.	1 acre	35 ft.
All other uses	5 acres	100 ft.	50 ft.	25 ft.	30 ft.	5 acres	35 ft.
Residential (R):							
All permitted nonresidential uses	4 times the minimum lot area for single-family	2 times the yards required for single-family development				2 acres	35 ft.
Commercial general (CG) and commercial interchange (CI):							
Commercial retail	15,000 sq. ft.	100 ft.	40 ft.	15 ft.	25 ft.	1 acre	35 ft.
Office/lodging	15,000 sq. ft.	100 ft.	40 ft.	15 ft.	25 ft.	2 acres	50 ft.
Services	15,000 sq. ft.	100 ft.	40 ft.	15 ft.	25 ft.	1 acre	35 ft.
All other uses	20,000 sq. ft.	100 ft.	40 ft.	20 ft.	25 ft.	1 acre	35 ft.
Industrial (I):							
Light industrial	20,000 sq. ft.	120 ft.	40 ft.	20 ft.	30 ft.	1 acre	4 stories or 50 ft., whichever is lower
Heavy industrial	60,000 sq. ft.	150 ft.	50 ft.	30 ft.	30 ft.	2 acres	4 stories or 50 ft., whichever is lower
Warehouse	1 acre	150 ft.	50 ft.	30 ft.	30 ft.	2 acres	3 stories or 40 ft., whichever is lower
All other uses	20,000 sq. ft.	120 ft.	40 ft.	20 ft.	25 ft.	1 acre	4 stories or 50 ft., whichever is lower

Notes:

1. Along Route 47, frontages and yard requirements in excess of the minimum requirements specified here may be required. See chapter 10, "Overlay District", of this title.

2. Front yard refers to the front yard of a lot. A typical corner lot would have 2 front yards.

(Ord. 10-001, 1-12-2010)

8-3-4-2: NONRESIDENTIAL SCALE AND DESIGN REGULATIONS:

A. CG and CI districts:

1. Access: Nonresidential uses that are larger than ten thousand (10,000) square feet in floor area shall be located on lots that front on collector or arterial streets.

2. Prohibited Building Finish Materials: Building materials used for exterior walls of each elevation of all nonresidential buildings shall not use prefabricated metal siding or corrugated metal.

B. PR district: Nonresidential uses shall not have a floor area greater than:

1. Five thousand (5,000) square feet for a freestanding building;

2. Seven thousand five hundred (7,500) square feet for a multi-tenant building with common entrances; or

3. Nine thousand (9,000) square feet for a multi-tenant building with separate entrances. However, drugstores may be up to sixteen thousand (16,000) square feet and may be located in freestanding buildings or multi-tenant buildings of up to twenty five thousand (25,000) square feet, provided that the drugstore is the anchor tenant. (Ord. 10-001, 1-12-2010)

CHAPTER 4

ENVIRONMENTAL STANDARDS

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Notes

1. See section 8-4-5-10-3 of this chapter.

8-4-1: PURPOSE:

The purpose of this chapter is to promote and protect public health, safety, and general welfare by protecting areas of environmental sensitivity and by regulating development to minimize the impact of development on the environment or citizens of the county.

A. Resource Protection: Protecting and preserving existing natural resources by:

1. Preserving Agricultural Land: Growth of estate, suburban, and urban uses are directed to municipalities because services are available and higher intensities fit the context of the built environment. Compact development in municipalities minimizes the loss of agricultural land in the county that would otherwise be developed as low intensity residential (sprawl).

2. Reduction Of Runoff And Increase Of Groundwater Recharge: Clustering results in the lowest possible levels of impervious surface. This allows natural runoff and recharge to take place.

3. Provision And Protection Of Wildlife Habitats: Wetlands, floodplains, and steep wooded lands are protected.

4. Protection Or Enhancement Of Water And Air Quality: Encouraging growth to occur in the county's established municipalities reduces trip length and road maintenance, thus enhancing air and water quality.

B. Flood Damage Prevention: Minimizing public and private losses due to flood conditions in specific areas by provisions designed to:

1. Prohibit or restrict any development in the floodway, floodplains, or wetlands;

2. Restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards, which result in damaging increases in erosion or in flood heights or velocities;

3. Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;

4. Control the alteration of natural floodplains, stream channels, and natural protective barriers that are involved in the accommodation of floodwaters;

5. Control filling, grading, dredging, and other development activities that may increase erosion or flood damage;

6. Prevent or regulate the construction of flood barriers that will unnaturally divert floodwaters or which may increase flood hazards to other lands;

7. Keep federally supported flood insurance available for structures and their contents by fulfilling the requirements of the national flood insurance program; and

8. Enhance the likelihood of compliance with the Grundy County stormwater ordinance, section 8-4-5 of this chapter.

C. Control Emissions And Nuisances: Minimize adverse impacts on the population from emissions from land uses. Limit noise, light and glare, dirt, dust, chemicals, odors, or other emissions associated with land development. (Ord. 10-001, 1-12-2010)

8-4-2: RESOURCE PROTECTION STANDARDS:

8-4-2-1: PROTECTED RESOURCES:

The following natural areas are given limited protection from development:

A. Floodplain or floodways: Construction of buildings for human occupancy shall be permitted in the floodplain only if in accordance with the standards of section 8-4-5-10-3 of this chapter.

B. Wetlands: All development and land improvements shall comply with the Grundy County stormwater ordinance.

C. Steep slopes: These areas include slopes in excess of ten percent (10%). There are two (2) categories, ten (10) to twenty percent (20%) and slopes in excess of twenty percent (20%).

D. Riparian woodlands and mature trees: These wooded areas near streams are located on slopes of less than ten percent (10%). (Ord. 10-001, 1-12-2010)

8-4-2-2: RESOURCE PROTECTION LEVELS:

The area of resources designated in this section shall be protected as indicated in table 8-4-2-2, "Resource Protection Standards", of this section.

A. Site Plan Requirements: The site plan shall designate the areas and acreages of each resource listed in table 8-4-2-2, "Resource Protection Standards", of this section. The area to be protected shall meet the open space requirements for each resource category. The site plan shall include a table that enumerates the following:

1. The total acreage of each designated resource area on the site.
2. The protected acreage for each resource.
3. The acreage for each resource that is permitted to be disturbed.
4. The acreage for each resource that will be disturbed when the project is completed.

B. Protecting Resources: Protected areas shall be designated on the plan as common open space. The county board may also permit a conservation easement on properties intended for development as long as the minimum area requirements for residential lots are met outside the easement.

C. Overlapping Resources: It is likely that resource areas will overlap. In these cases, the area of the most restrictive resource (that with the highest open space ratio) shall be used.

TABLE 8-4-2-2
RESOURCE PROTECTION STANDARDS

Resource	Required Open Space Ratio	
	Agricultural (A) District	All Other Districts
Wetlands	1	1
Steep slopes (10 to 20%)	0.25	0.5
Steep slopes (greater than 20%)	0.6	0.8
Riparian woodland or mature trees	0.25	0.5

(Ord. 10-001, 1-12-2010)

8-4-2-3: DELINEATION OF RESOURCES:

A. Generally: All subdivisions and development site plans shall delineate the resources listed in section 8-4-2-1, "Protected Resources", of this chapter on a site analysis map that depicts the locations of each resource category along with topography. Such delineation shall be performed by a registered professional engineer.

B. Mapping Criteria: The following criteria shall be used for mapping natural resources:

1. Streams (perennial, intermittent, mapped, and unmapped) with identifiable banks and beds shall have their boundaries set at the top of the bank.
2. Initial identification of the watercourses/water bodies shall be made using the U.S. geological survey quadrangle maps or more accurate information, as available. Field survey verification is required for preliminary plats and site plans in order to establish the location of channelized flow.
3. Woodlands shall be measured at the tree canopy line.
4. Wetlands shall be delineated by the criteria promulgated by the U.S. army corps of engineers.

C. Boundaries: Boundaries shall be drawn as follows:

1. Measurements for boundaries shall be made horizontally, perpendicular from, or radial from any feature or point.
2. Boundaries that are dependent on elevation shall be based upon on site elevations and shall not be interpolated.

D. Topography: Topographic lines shall be at one foot (1') contour intervals. (Ord. 10-001, 1-12-2010)

8-4-3: FLOODPLAIN MANAGEMENT AND FLOOD DAMAGE PREVENTION¹ :

(Rep. by Ord. 2016-003, 3-8-2016)

Notes

- ¹ 1. See section 8-4-5-10-3 of this chapter.

8-4-4: GENERAL ENVIRONMENTAL STANDARDS:

8-4-4-1: NOISE:

No use, operation, or activity shall cause or create noise in excess of the sound levels prescribed in the Grundy County nuisance ordinance. (Ord. 10-001, 1-12-2010)

8-4-4-2: VIBRATION:

No vibration shall be produced that is transmitted through the ground or air and is discernable without the aid of instruments at or on any point beyond the lot line of the property on which the activity or operation occurs. (Ord. 10-001, 1-12-2010)

8-4-4-3: EMISSIONS AND ODORS:

A. Control Of Emissions: All industrial uses shall submit verification that their proposed smoke and particulate matter emissions meet federal and state air quality standards set forth by the U.S. environmental protection agency (code of federal regulations title 40) and the state of Illinois.

B. State And Federal Permits: No regulated emission source shall be constructed or operate without required permits from the state and federal governments.

C. Other Objectionable Odors: Objectionable odors that are noticeable at any point beyond the property line are prohibited. The determination of objectionable odors shall be made by the zoning officer, who shall visit the site and determine if the use is emitting an odor that is considered offensive to adjoining uses. (Ord. 10-001, 1-12-2010)

8-4-5: STORMWATER MANAGEMENT:

8-4-5-1: TITLE; AUTHORITY:

A. This section 8-4-5 shall be known as the *GRUNDY COUNTY STORMWATER MANAGEMENT ORDINANCE* (hereafter referred to as "GCSMO").

B. The Grundy County board adopts this section 8-4-5 pursuant to its authority to regulate stormwater management and govern the location width, course and release rate of all stormwater runoff channels, streams and basins in the county, consistent with the objectives of the Grundy County comprehensive land use plan. The statutory authority for this section 8-4-5 is contained in 55 Illinois Compiled Statutes 5/5-1041, 5/5-1049, 5/5-1062.2, 5/5-1063, 5/5-1104, 5/5-12003 and 5/5-15001 et seq., and 415 Illinois Compiled Statutes 5/43 and other applicable authority, all as amended from time to time.

C. As applicable, the municipalities within Grundy County adopt and enforce this section 8-4-5 pursuant to 55 Illinois Compiled Statutes 5/5-1062; 65 Illinois Compiled Statutes 5/1-2-1, 5/11-12-12, 5/11-30-2 and other applicable authority, all as amended from time to time. (Ord. 2016-003, 3-8-2016)

8-4-5-2: STORMWATER MANAGEMENT; ADOPTION:

This section 8-4-5 was recommended by the Grundy County stormwater steering committee and was adopted by the Grundy County board, after review by the appropriate agencies and a public hearing. This section 8-4-5 is available for public inspection in the land use department and the Grundy County clerk's office. (Ord. 2016-003, 3-8-2016)

8-4-5-3: PURPOSE:

8-4-5-3-1: PURPOSE AND GOALS:

The purpose of this section 8-4-5 is to promote effective, equitable, acceptable and legal stormwater management measures by establishing reasonable rules and regulations for developments. All of the purposes are consistent with the intent of the Grundy County comprehensive land use plan. The goals of this section 8-4-5 are highlighted below:

- A. To protect the public from the degradation of the quality of the water supply on a watershed basis.
- B. To develop standards that assure new development does not increase the drainage or flood hazards to others, or create unstable conditions susceptible to erosion.
- C. To protect and enhance the natural hydrologic and hydraulic functions and natural characteristics of watercourses and floodplains to protect water quality, aquatic habitats, reduce flood damage, reduce soil erosion, provide recreational and aesthetic benefits and enhance community and economic development.
- D. To manage sediment and erosion in and from stormwater facilities, developments, and agricultural fields and construction sites and to reduce and repair stream bank erosion.
- E. To manage developments such that those developments are carefully planned for water resources. This management shall include the natural features such as vegetation, wildlife, waterways, wetlands and topography such that the surface or ground water is not negatively impacted.
- F. To protect environmentally sensitive areas from deterioration or destruction by private or public actions.
- G. To require appropriate and adequate provisions for site runoff control, especially when the land that is being developed contains a large amount of impervious surface.
- H. To manage the rules and regulations of the national flood insurance program, this allows all residents within the county the ability to purchase federally subsidized flood insurance.
- I. To manage potential conflicts between incompatible land users such as agricultural and urban uses while maintaining agriculture as a viable and productive use within the county.
- J. To protect and encourage the cooperation between units of government that have jurisdiction over floodplain and stormwater management.
- K. To protect and improve the surface water quality and to provide beneficial uses of ponds, lakes, wetlands, rivers and streams by reducing point source and nonpoint contamination sources.
- L. To manage the control of stormwater quantity and quality at the most site specific or local level and preventing unauthorized or unmitigated discharge of flow off site.
- M. To manage and implement a procedure that will allow Grundy County municipalities to petition the committee for authority to implement and enforce the requirements of this section 8-4-5.
- N. To manage and require strict compliance with and enforcement of this section 8-4-5.
- O. To protect and improve the quality of waterways, including groundwater, floodplains, wetlands and the natural drainage systems of the county.
- P. To create a wetland protection ordinance as a means to preserve their function and aesthetics and reduce water pollution and maintain storm and flood water capacity.
- Q. To utilize a stormwater management system that incorporates the natural watershed functions to reduce the negative impacts of development on water quality.
- R. To represent the interest of the area drainage districts and other interested organizations such as the Grundy County soil and water conservation district and other interested organizations to promote the protection of the Aux Sable Creek, Mazon River, Nettle Creek, Waupecan Creek and Illinois River watersheds by creating and implementing stormwater controls on new development in the county.
- S. To encourage residential, commercial and industrial developments that preserve and enhance natural features such as vegetation, waterways, wetlands, topography and scenic vistas through proper planning and designation of environmental corridors and buffers.
- T. To establish environmental design standards and development controls to promote responsible development and regulate the amount, distribution and type of open space necessary to minimize adverse impacts, protect natural features of the environment, and provide adequate recreational areas.
- U. To promote a network of greenbelts and greenways to protect wildlife habitat/movement, floodplains, wetlands and natural drainage systems and also to protect and encourage the use of native/natural vegetation.
- V. To promote environmentally supportive recreational uses of lands in floodplains and areas adjacent to waterways and other natural open

space systems.

W. To promote and encourage design techniques to ensure that impervious areas in watersheds are minimized to enhance groundwater regeneration, minimize runoff and maintain ecological health.

X. To promote water detention, retention, infiltration and best management practices throughout a development and as close to its source as possible to increase the quality and reduce the quantity of stormwater runoff.

Y. To manage stormwater runoff volume and reduce groundwater depletion by encouraging the use of permeable pavements, infiltration trenches, wetland bottom ponds, bioswales, rain gardens and other best management practices.

Z. To meet the specific floodplain management purposes listed in subsection 8-4-5-10-3A of this chapter. (Ord. 2016-003, 3-8-2016)

8-4-5-4: REFERENCE TO WATERSHED PLANS:

8-4-5-4-1: INTEGRATED NATURE OF WATERSHED:

This section 8-4-5 recognizes the integrated nature of the watershed system and the need to study certain flood control alternatives and other stormwater management functions on a watershed wide basis. (Ord. 2016-003, 3-8-2016)

8-4-5-4-2: UNIQUE ATTRIBUTES:

Individual watershed plans or interim watershed plans which recognize the unique attributes of each watershed may be prepared and periodically updated for the major watersheds to identify management projects and establish criteria for development. These plans may also recommend changes to this section 8-4-5 as amendments to the watershed plans occur. (Ord. 2016-003, 3-8-2016)

8-4-5-4-3: WATERSHED PLANS ADOPTED BY COUNTY:

Watershed plans or interim watershed plans may be adopted by the Grundy County board that contains more stringent requirements. If adopted, the affected sections within this section 8-4-5 shall be modified to reflect the ideals listed within that watershed plan. (Ord. 2016-003, 3-8-2016)

8-4-5-5: ABBREVIATIONS:

The following abbreviations when used within this section 8-4-5 shall have the following designated meanings:

BFE	Base flood elevation
BMP	Best management practices
CFR	Code of federal regulations
CLOMA	Conditional letter of map amendment
CLOMR	Conditional letter of map revision
COE	United States army corps of engineers
CWA	Clean water act
EPA	U.S. environmental protection agency
FEMA	Federal emergency management agency
FIRM	Flood insurance rate map
FIS	Flood insurance study
FPE	Flood protection elevation
FQI	Floristic quality index
HHW	Household hazardous waste
IDNR-OWR	Illinois department of natural resources, office of water resources
IDPH	Illinois department of public health
IEPA	Illinois environmental protection agency
MS4	Municipal separate storm sewer system
NFIP	National flood insurance program
NPDES	National pollutant discharge elimination system
NRCS	Natural resources conservation service
OHWM	Ordinary high water mark
SFHA	Special flood hazard area
SWCD	Soil and water conservation district
SWP3	Stormwater pollution prevention plan
USDA	U.S. department of agriculture

(Ord. 2016-003, 3-8-2016)

8-4-5-6: DEFINITIONS:

This section 8-4-5 contains specific words and terms that shall have the following meanings as set forth, except where otherwise specifically indicated. Words and terms not defined shall have the meanings that are indicated in a common dictionary definition.

ADMINISTRATIVE VIOLATION: An administrative violation of this section 8-4-5 that occurs when rules and procedures regarding permit applications and stormwater management permits are not followed.

ADMINISTRATOR: The person designated by the permitting authority to administer and enforce this section 8-4-5. The administrator may delegate and share this function with a designee.

AGRICULTURAL LAND: Characteristics of the property that lend itself to an agricultural designation such as prime farmland, livestock operation, horse barn or similar function and is currently zoned Ag.

AGRICULTURAL SUBSURFACE DRAINAGE: A water management technique driven by economic and safety concerns, where the rate at which surplus groundwater should be removed is determined primarily by the moisture/air requirements of the vegetation and through the use of farm tiles throughout the property.

APPLICABLE ENGINEERING PRACTICE: Procedures, methods or materials recommended in standard engineering textbooks or references as suitable for the intended purpose.

APPLICANT: Any person who submits an application for a permit under this section 8-4-5.

BFE OR BASE FLOOD ELEVATION: The elevation in relation to mean sea level of the crest of the base flood.

BMP OR BEST MANAGEMENT PRACTICES: A measure used to control the adverse stormwater related effects of development, and includes structural devices such as swales, filter strips, infiltration trenches and site runoff storage basins, designed to remove pollutants, reduce runoff rates and volumes and protect aquatic habitats, as well as nonstructural approaches, such as public education efforts to prevent the dumping of household chemicals into storm drains.

BASE FLOOD: The flood having a one percent (1%) probability of being equaled or exceeded in a given year calculated during a 100-year rain event.

BASEMENT: That portion of a building having its floor subgrade (below ground level) on all sides.

BUFFER: An area of predominantly deep rooted native vegetated land adjacent to channels, wetlands, lakes or ponds for the purpose of stabilizing banks, increasing infiltration, and reducing contaminants (including sediments), in stormwater that flows into such areas.

BUILDING: A walled and roofed structure, including gas or liquid storage tank that is principally above ground, including manufactured homes, prefabricated building and gas or liquid storage tanks. The term also includes recreational vehicles and travel trailers installed on a site for more than one hundred eighty (180) days per year.

BULLETIN 70: "Frequency Distributions And Hydroclimatic Characteristics Of Heavy Rainstorms In Illinois", by Floyd Huff and James Angel of the Illinois state water survey (1989).

BYPASS FLOWS: Stormwater runoff from upstream properties tributary to a property's drainage system but not under its control.

CLOMA OR CONDITIONAL LETTER OF MAP AMENDMENT: FEMA's comment on a proposed structure or group of structures that would, upon construction, be located on existing natural ground above the base (1 percent annual chance) flood elevation on a portion of a legally defined parcel of land that is partially inundated by the base flood.

CLOMR OR CONDITIONAL LETTER OF MAP REVISION: FEMA's comment on a proposed project that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or the special flood hazard area (SFHA).

COE: The United States army corps of engineers.

CERTIFIED COMMUNITY: A community certified under section 8-4-5-17 of this chapter.

CHANNEL: Any river, stream, creek, brook, branch, flowage, slough, ditch, conduit, culvert, gully, ravine, wash, or natural or manmade drainageway which has a definite bed and bank or shoreline, in or into which surface, ground water, effluent, or industrial discharges flow either perennially or intermittently.

CHANNEL MODIFICATION: Alteration of a channel by changing the physical dimensions or materials of its bed or banks, and includes damming, rip rapping (or other armoring), widening, deepening, straightening, relocating, lining and significant removal of bottom or woody rooted vegetation, but does not include the clearing of debris or removal of trash or dredging to previously documented thalweg elevations and side slopes.

CHROMA: The relative purity, strength or saturation of a color; directly related to the dominance of the determining wavelength of the light and inversely related to the grayness; one of the three (3) variables of color.

COMMERCIAL: Having the qualities associated with the transaction of business with the public at large where the traffic generated warrants construction of site improvements.

COMMITTEE: The Grundy County stormwater management committee.

COMMUNITY: Grundy County or any municipality within Grundy County.

COMPENSATORY STORAGE: An excavated, hydrologically and hydraulically equivalent volume of storage created to offset the loss of existing flood storage.

CONTROL STRUCTURE: A structure designed to control the rate of flow that passes through the structure given a specific upstream and downstream water surface elevation.

COUNTY: Grundy County, Illinois.

COUNTY ADMINISTRATOR: The person appointed by the county board who will manage and enforce the contents of this section 8-4-5.

CRITICAL DURATION: The duration of a storm event that results in the greatest peak runoff.

CRITICAL FACILITY: Any facility which is critical to the health and welfare of the population and, if flooded, would create an added dimension to the disaster. Damage to these critical facilities can impact the delivery of vital services, can cause greater damage to other sectors of the community, or can put special populations at risk. Examples of critical facilities where flood protection should be required include: emergency services facilities (such as fire and police stations), schools, hospitals, retirement homes and senior care facilities, major roads and bridges, critical utility sites (telephone switching stations or electrical transformers), and hazardous material storage facilities (chemical, petrochemicals, hazardous or toxic substances).

DAM: Any obstruction, wall embankment or barrier, together with any abutments and appurtenant works, constructed to store or divert water or to create a pond (not including underground water storage tanks).

DEPARTMENT: The Grundy County land use department.

DEPRESSIONAL STORAGE: The volume contained below a closed contour on a one foot (1') contour interval topographical map, the upper elevation of which is determined by the invert of a surface gravity outlet.

DESIGN WATER SURFACE ELEVATION: The high water level elevation of a site runoff control facility for a selected storm event, described in terms of the probability of occurring once within a given number of years, for which site runoff control facilities are designed.

DETENTION BASIN: A facility constructed to provide for the temporary storage of stormwater runoff with a controlled release rate.

DEVELOPER: A person who creates or causes a development.

DEVELOPMENT: Any manmade change to the land which includes:

- A. The construction, reconstruction or replacement of a building or an addition to a building;
- B. The installation of utilities, construction of roads, bridges or similar projects;
- C. Drilling and mining;
- D. The construction or erection of levees, walls, fences, dams, or culverts;
- E. Channel modifications, filling, dredging, grading, clearing, excavating, paving, or other nonagricultural alterations of the ground surface;
- F. The storage of materials and the deposit of solid or liquid waste;
- G. The installation of a mobile home on a site, the preparation of a site for a mobile home, or the installation of a recreational vehicle on a site for more than one hundred eighty (180) days;
- H. Any wetland impact; and
- I. Any other activity of man that might change the direction, height or velocity of stormwater flowing through and from a property.

Development however does not include:

- A. Maintenance and repair of existing buildings or facilities that is not considered a substantial improvement;
- B. Repair or replacement of an existing parking lot outside the floodplain provided that no new impervious surfaces are added, there is no increase in peak flows, and there is no change in the location of the stormwater discharge;
- C. Resurfacing of streets and highways outside the floodplain;
- D. Resurfacing of publicly owned streets and highways within the floodplain provided the difference between the elevation of the road surface after resurfacing and the elevation of the road surface on the effective date hereof is not more than two inches (2");
- E. For agricultural uses, maintenance of existing drainage systems for the limited purpose of maintaining cultivated areas and crop production; or
- F. For agricultural uses and/or improvements undertaken pursuant to a written NRCS conservation plan, not located in a floodplain or floodway.

DRAINABLE WATER: Water that readily drains from soil under the influences of gravity.

DRAINAGE AREA: The land area above a given point that may contribute runoff flow at that point from rainfall.

DWELLING, MULTI-FAMILY ATTACHED: A building or portion thereof containing three (3) or more dwelling units that are attached to at least one other dwelling unit, not including lodging, hotels and motels.

DWELLING, SINGLE-FAMILY DETACHED: A dwelling containing one dwelling unit only and is not connected to any other dwelling unit.

DWELLING, TWO-FAMILY ATTACHED: A dwelling containing two (2) dwelling units attached to one another.

DWELLING UNIT: Any room or group of rooms located within a dwelling and forming a single habitable unit with facilities that are used or intended to be used for living, sleeping, cooking and eating.

EFFECTIVE DATE: Grundy County adopted date by the county board.

ELEVATION CERTIFICATE: A form published by FEMA used to certify the base flood elevation and the lowest elevation of usable space to which a building has been constructed.

EPHEMERAL STREAM: A stream whose bed elevation does not intersect the groundwater table and carries flow only during and immediately after a runoff producing rainfall event.

EROSION: The process whereby soil is detached by the action of water or wind.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed or buildings to be constructed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FEMA: The federal emergency management agency and its regulations at 44 CRF 9-79, effective September 29, 1989, as amended.

FPE OR FLOOD PROTECTION ELEVATION: The BFE plus two feet (2') of freeboard (or 3 feet of freeboard along the Illinois River and within its backwater zone) or 100-year design water surface elevation of any adjacent stormwater facility plus two feet (2') of freeboard, whichever is higher.

FQI OR FLORISTIC QUALITY INDEX: The parameter related to the number of native plant species present, as defined by Floyd Swink and Gerald Wilhelm in "Plants Of The Chicago Region", 4th edition (1994) or by Gerald Wilhelm and Linda Masters in "Floristic Quality Assessment And Application Computer Programs For The 22-County Chicago Region", conservation design forum (2000).

FARMED WETLANDS: Wetlands that have been identified as farmed wetlands as part of a certified wetland determination performed by the applicant's engineers according to "National Food Security Act Manual" methodology.

FLOOD: A general and temporary condition of partial or complete inundation of normally dry land areas from overflow of inland or tidal waves or the unusual and rapid accumulation of runoff of surface waters from any source.

FLOOD FREQUENCY: A frequency normally expressed as a period of years, based upon a percent chance of occurrence in any given year from

statistical analysis during which a flood of a stated magnitude may be expected to be equaled or exceeded, as in the 2-year flood frequency has a fifty percent (50%) chance of occurrence in any given year and the 100-year flood frequency has one percent (1%) chance of occurrence in any given year.

FLOOD FRINGE: That portion of the floodplain outside of the designated floodway.

FLOOD INSURANCE RATE MAP: A map prepared by the federal emergency management agency that depicts the floodplain or special flood hazard area (SFHA) within a community. This map includes insurance rate zones and may or may not depict floodways and show base flood elevations.

FLOOD INSURANCE STUDY: An examination, evaluation and determination of flood hazards and, if applicable, corresponding water surface elevations.

FLOODPLAIN AND SPECIAL FLOOD HAZARD AREA (SFHA): These two (2) terms are synonymous. Those lands that are subject to a one percent (1%) or greater chance of flooding in any given year. The floodplains of the county are generally identified on the countywide flood insurance rate map of Grundy County prepared by the federal emergency management agency and dated August 2, 2012. Floodplain also includes those areas of known flooding as identified by the community.

FLOODPROOF: Any combination of structural and nonstructural additions, changes or adjustments to structures or property which reduce or eliminate flood damage to real estate, water and sanitary facilities, structures and their contents.

FLOODPROOFING CERTIFICATE: A form published by FEMA that is issued to certify that a building has been designed and constructed to be structurally dry floodproofed to the FPE.

FLOODWAY: That portion of the floodplain required to store and convey the base flood. The floodway for the floodplains of the Illinois River, Kankakee River, Des Plaines River, Mazon River, East Fork Mazon River and East Fork Mazon River Tributary and Aux Sable Creek, Nettle Creek, East Fork Nettle Creek, East Fork Nettle Tributary, Gooseberry Creek, West Fork Gooseberry Creek and Claypool Ditch shall be delineated on the countywide flood insurance rate map of Grundy County prepared by FEMA and dated August 2, 2012. The floodways for each of the remaining floodplains of Grundy County shall be according to the best data available from the federal, state, or other sources.

FLOODWAY CONVEYANCE: The measure of the flow carrying capacity of the floodway section and is defined using Manning's equation:

$$K = (1.49/n)(AR)^{2/3}$$

Where:

n = Manning's roughness factor

A = The effective area of the cross section

R = The ratio of the wetted area to the wetted perimeter

FREEBOARD: An increment of elevation added to the base flood elevation to provide a factor of safety for uncertainties in calculations, future watershed development, unknown localized conditions, wave actions and unpredictable effects such as those caused by ice or debris jams.

FUNCTIONAL: A facility performs its primary purpose but may not be completed.

GROUNDWATER: Water that is located within soil or rock below the surface of the earth.

GROUNDWATER CONTROL SYSTEM: A designed system which may consist of tiles, underdrains, french drains or other appropriate stormwater facilities whose purpose is to lower the groundwater table to a predictable elevation throughout the year.

HEMIMARSH: An isolated wetland dominated on the edges by tall emergent vegetation with an interior area of shallow open water.

HISTORIC STRUCTURE: A structure or site that is: a) listed individually in the national register of historic places, or predominantly determined by the secretary of the interior as meeting the requirements for individual listing in the national register; b) certified or preliminarily determined by the secretary of the interior as contributing to a historic district or a district determined by the secretary to qualify as registered historic district; c) individually listed on the state inventory of historic places by the Illinois historic preservation agency; or d) individually listed on a local inventory of historic places that has been certified by the Illinois historic preservation agency.

HYDRAULICALLY CONNECTED IMPERVIOUS AREA: Those areas of concrete, asphalt and gravel that, along with building roof surfaces, convey flows directly to an improved drainage system consisting of storm sewers or paved channels and includes roadways drained by curb and gutter and storm sewers and driveways hydraulically connected to those roadways, but does not include roof surfaces which discharge to unpaved surfaces which absorb and filter stormwater runoff nor roadways whose primary conveyance is through open ditches and swales.

HYDRAULICALLY EQUIVALENT COMPENSATORY STORAGE: Compensatory storage either adjacent to the floodplain fill or not located adjacent to the development but which can be shown by hydrologic and hydraulic analysis to be equivalent to compensatory storage located adjacent to the development.

HYDRAULICS: The science and study of the mechanical behavior of water in physical systems and processes.

HYDROGRAPH: A graph or tabulation showing flow rate with respect to time for a given location on a channel or conduit.

HYDROLOGICALLY DISTURBED: An area where the land surface has been cleared, grubbed, compacted or otherwise modified that changes runoff, volumes, rates or direction.

HYDROLOGY: The science of the behavior of water, including its dynamics, composition and distribution in the atmosphere, on the surface of the earth and underground.

IDNR-OWR: The Illinois department of natural resources, office of water resources, or its duly authorized designee.

IMPERVIOUS SURFACE: Any manmade, hard surfaced area that does not readily permit the infiltration and absorption of stormwater runoff, including, but not limited to, roofs, roads, drives, parking lots, sidewalks, path and graveled areas.

INFILTRATION: The passage or movement of water into the soil surface.

INTERIM WATERSHED PLAN: A regional study of a specific watershed that does not address the entire range of purposes, goals and objectives outlined in the plan.

INTERMITTENT STREAM: A stream whose bed intersects the groundwater table for only a portion of the year on average or any stream that flows

continuously for at least one month out of the year, but not the entire year.

ISOLATED WETLANDS: A wetland that does not have an identifiable surface water connection to other waters of the U.S.

LOMA OR LETTER OF MAP AMENDMENT: The official determination by FEMA that a specific structure is not in a regulatory floodplain and amends the effective FIRM.

LOMR OR LETTER OF MAP REVISION: FEMA's modification to an effective flood insurance rate map (FIRM). LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or the SFHA. The LOMR officially revises the FIRM, and sometimes the flood insurance study (FIS) report, and, when appropriate, includes a description of the modifications. The LOMR is generally accompanied by an annotated copy of the affected portions of the FIRM or FIS report.

LAKE: A body of water two (2) or more acres in size which retains water throughout the year.

LINEAR WATERS OF THE U.S.: Wetlands along creeks, streams, rivers, ponds, lakes or impoundments that are hydraulically connected to surface water.

LOWEST FLOOR: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure usable solely for parking of vehicles, building access or storage, in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this section 8-4-5.

MAJOR STORMWATER SYSTEM: That portion of a stormwater facility needed to store and convey runoff at the one hundred (100) year frequency.

MASS GRADING: Development in which the primary activity is a change in topography affected by the movement of earth materials.

MINOR STORMWATER SYSTEM: All infrastructure including curb and gutter, storm sewers, culverts, roadside ditches, subsurface drainage systems intended to convey stormwater runoff at the one hundred (100) year frequency.

MITIGATION: Measures taken to offset negative impacts from development in waters of the U.S. including wetlands or the floodplain.

MOBILE HOME (Also Recognized As A MANUFACTURED HOME): A structure designed for permanent habitation, and so constructed as to permit its transport on wheels, temporarily or permanently attached to its frame, from the place of construction to the location, or subsequent locations, at which it is intended to be a permanent home, and designed to permit the occupancy thereof as a dwelling place for one or more persons.

MOBILE HOME PARK: A lot, parcel or tract of land developed with facilities for accommodating two (2) or more mobile homes, provided each mobile home contains a kitchen, flush toilet, and shower or bath; and such park shall be for use only by nontransient dwellers remaining continuously for more than one month, whether or not a charge is made. It shall not include a sales lot in which automobiles or unoccupied mobile homes or other trailers are parked for the purpose of inspection or sale, except mobile homes located on a site in the mobile home park which is occupied or vacant for not more than ninety (90) days after occupancy may be sold or offered for sale.

MOTTLED ZONE: A layer that is marked with spots or blotches of different color or shades of color. The pattern of mottling and the size, abundance and color contrast of the mottles may vary considerably and should be specified in soil description.

MUNSELL COLOR SYSTEM: A color designation system that specifies the relative degrees of the three (3) simple variables of color: hue, value and chroma. For example: 10YR is a color of soil with a hue of 10YR, value = 6 and chroma = 4.

NFIP OR NATIONAL FLOOD INSURANCE PROGRAM: The federal program codified in title 44 of the code of federal regulations.

NRCS: The United States department of agriculture, natural resources conservation service.

NET BENEFIT IN WATER QUALITY: The institution of best management practices as part of a development that when compared to the predevelopment condition can be judged to reduce downstream sediment of pollutant loadings.

NET WATERSHED BENEFIT: A finding that, when compared to the existing condition, the development will substantially reduce (more than 10 percent) downstream peak discharges, will reduce downstream flood stages (more than 0.1 feet), or will reduce downstream damage to structures occurring in the predevelopment condition. This finding must be demonstrated by detailed hydrologic and hydraulic analysis of watersheds on a regional scale, as approved by the administrator.

NEW CONSTRUCTION: Structures for which the start of construction commenced after the effective date of floodplain management regulations adopted by a community and includes any subsequent improvements of such structures.

NONRIVERINE: Areas such as isolated depressional storage areas, ponds and lakes.

NUISANCE FLOW: Primarily a dry weather flow resulting from groundwater pumped by individual sump pumps and other human activities not directly related to rainfall events and surface runoff.

OHWM OR ORDINARY HIGH WATER MARK: The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.

OBSERVATION STRUCTURES: Structures built on a field tile where the pipe inflow and outflow is visible upon removal of a lid.

OPEN CHANNEL: A conveyance system with a definable bed and banks carrying the discharge from field tiles and surface drainage, but does not include grassed swales within farm fields under agricultural production which are ephemeral in nature.

OPEN WATER: Surface water in lakes, ponds, impoundments and wetlands devoid of vegetative cover.

OVERLAND FLOW PATH: A design feature of the major stormwater system which carries flow in excess of the minor stormwater system design capacity in an open channel or swale, or as sheet flow or weir flow over a feature designed to withstand the particular erosive forces involved.

PARCEL: A separate tract of land identified by its own legal description.

PERENNIAL STREAM: A riverine watercourse whose thalweg intersects the groundwater table continuously and flows throughout the year.

PERMITTING AUTHORITY: The community having jurisdiction under this section 8-4-5 to issue permits.

PERSON: An individual, partnership, corporation, limited liability company, unincorporated association, trust, municipal corporation, unit of local government or other government agency or authority, or any combination of any of the foregoing.

PLANT COMMUNITIES: Groups of plants with similar habitat requirements and planting regimes.

POND: A body of water less than two (2) acres in size which retains a normal water level year round.

PRIMARY GRAVITY OUTLET: The outlet structure designed to meet the release rate requirements of this section 8-4-5, the invert (lowest elevation) of which shall be considered the high water elevation for required stormwater retention.

PROFESSIONAL ENGINEER: An engineer registered in the state of Illinois under the Illinois professional engineering practice act of 1989, 225 Illinois Compiled Statutes 325/1 et seq.

PROFESSIONAL LAND SURVEYOR: A land surveyor registered in the state of Illinois under the Illinois professional land surveyor act of 1989, 225 Illinois Compiled Statutes 330/1 et seq.

PUBLIC FLOOD EASEMENT: An easement acceptable to the appropriate jurisdictional body that meets the regulations of IDNR-OWR, the department and the community and provides legal assurances that all areas subject to flooding in the created backwater of the development will remain open to allow flooding.

RECORD DRAWINGS: Drawings prepared, signed and sealed by a professional engineer or professional land surveyor representing the final record of the actual in place elevations, locations of structures and topography.

RECREATIONAL VEHICLE OR TRAVEL TRAILER: A vehicle which is:

- A. Built on a single chassis.
- B. Four hundred (400) square feet or less in size.
- C. Designed to be self-propelled or permanently towable by a light duty truck and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

REDEVELOPMENT: Development on a developed site devoted to an existing urban land use that the stormwater from which discharges into an existing stormwater facility either owned or maintained by a unit of local government, or discharges directly onto a regulatory floodplain; redevelopment includes the widening of an existing street or highway owned by a unit of local government.

REGISTERED STRUCTURAL ENGINEER: An engineer licensed under the Illinois structural engineering practice act of 1989, 225 Illinois Compiled Statutes 340/1 et seq.

REPETITIVE LOSS: Flood related damages sustained by a structure on two (2) separate occasions during a ten (10) year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds twenty five percent (25%) of the market value of the structure before the damage occurred.

RESTRICTIVE BRIDGE OR CULVERT: A bridge or culvert that crosses a floodplain and cannot convey the base flood without causing increases in the upstream flood profile.

RETENTION FACILITY: A facility which stores stormwater runoff without a gravity release.

RIVERINE: Related to, formed by or resembling a channel and includes creeks and rivers.

RUNOFF: The waters derived from melting snow or rain falling within a tributary drainage basin that exceeds the infiltration capacity of the soils of that basin.

SEASONAL HIGH GROUNDWATER TABLE: The upper limits of the soil temporarily saturated with water, being usually associated with spring wetness conditions which may be indicated by soil mottles with a Munsell color of 2 chroma or less.

SEDIMENTATION: The process that deposits hydraulically moved soils, debris and other materials on other ground surfaces or in bodies of water or stormwater drainage systems.

SEDIMENTATION TRAP: A structure or area that allows for the temporary deposit and removal or disposal of sediment materials from stormwater runoff.

SEEPAGE: The movement of drainable water through soil and rock.

SITE: All of the land contemplated to be part of a coordinated development of one or more parcels.

SITE RUNOFF STORAGE FACILITY: A manmade structure for the temporary storage of stormwater runoff (detention) with a controlled release rate.

SPECIAL MANAGEMENT AREA: An area which consists of a floodplain, regulatory floodplain, wetland, wetlands mitigation area, stream, river or other water body.

START OF CONSTRUCTION: Includes substantial improvement and means date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement or other improvement, was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation or placement of a manufactured home on a foundation. For a substantial improvement, actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building whether or not that alteration affects the external dimensions of the building.

STORMWATER FACILITY: All ditches, channels, conduits, bridges, culverts, levees, ponds, natural and manmade impoundments, wetlands, riparian environment, tile, swales, sewers or other natural or artificial structures or measures which serve as a means of draining or storing surface water and groundwater from land.

STORMWATER MANAGEMENT PERMIT: The permit issued under section 8-4-5-11 of this chapter.

STRUCTURE: A manmade change to the land, constructed on or below the ground, including the construction, reconstruction or placement of a building or any addition to a building.

SUBSTANTIAL DAMAGE: Damage of any origin sustained by a structure whereby the cumulative percentage of damage equals or exceeds fifty percent (50%) of the market value of the structure before the damage occurred regardless of actual repair work performed. Volunteer labor and materials must be included in this determination. This term includes structures which have incurred repetitive loss damages.

SUBSTANTIAL IMPROVEMENT: Any reconstruction, rehabilitation, addition or improvement of a structure taking place subsequent to the adoption of this section 8-4-5 in which the cumulative percentage of improvements:

- A. Equals or exceeds fifty percent (50%) of the market value of the structure before the improvement or repair is started, or
- B. Increases the floor area by more than twenty percent (20%).

"Substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. This term includes structures which have incurred repetitive loss or substantial damage, regardless of the actual repair work done.

The term does not include:

- A. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or
- B. Any alteration of a structure listed on the national register of historic places or the Illinois register of historic places, provided that the alteration does not preclude the structure's continued historic designation.

SUBSURFACE DRAINAGE: The removal of excess soil water to control water table levels at predetermined elevations for structural, environmental or other reasons in areas already developed or being developed for agricultural, residential, industrial, commercial or recreational uses.

SURFACE GRAVITY OUTLET: The point at which stormwater runoff is let out of a basin or depression by flowing via gravity over the surface of the ground or through a conduit that has a direct and open connection to the surface.

TECHNICAL MANUAL: The manual adopted by Grundy County which refers to this section 8-4-5 and provides additional explanations and examples to be used by developers and enforcement organizations.

THALWEG (Also Known As A VALLEY LINE): The line that is drawn to join the lowest points along the entire length of a streambed or valley in its downward slope defining its deepest channel.

TOPSOIL: The uppermost part of the soil ordinarily moved in tillage, or its equivalent in uncultivated soils.

TRANSITION SECTION: The reaches of the stream or floodway where water flows from a narrow cross section, or where water is directed into a narrow portion of a stream.

USABLE SPACE: Space used for dwelling, storage, utilities or other beneficial purposes and includes basements.

VIOLATION: The failure of a structure or other development to be in full compliance with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance is presumed to be in violation until such time as that documentation is provided.

WATER TABLE: The upper limit of a free water surface in a saturated soil or underlying material.

WATERS OF THE U.S.: All interstate and intrastate waters and their tributaries including lakes, rivers, streams including intermittent stream, mudflows, sandflats, wetlands, sloughs, prairie potholes, wet meadows, lakes, natural ponds and all impoundments of the foregoing.

WATERSHED: All land drained by, or contributing water to the same stream, lake, stormwater facility or draining to a point.

WATERSHED CHARACTERISTICS: The land use, physiology, habitat, climate, drainage system and community profile of a watershed.

WATERSHED PLAN: A study and evaluation of an individual drainage basin's stormwater management, floodplain management, water quality and flood control needs capabilities adopted by Grundy County.

WETLAND: Defined by COE in the "1988 Corps Of Engineers Wetland Delineation Manual, Technical Report Y-87-1", U.S. army engineers waterways experiment station, Vicksburg, Mississippi (the "1987 manual"), or other federally recognized methodology.

WETLAND IMPACT: A. The dredging or filling of any wetland having an FQI greater than 25; or

B. The dredging or filling of any other wetland if:

1. The effect would be that cumulatively, since the effective date hereof, 0.10 acre (4,356 square feet) or more of the wetlands on the site have been dredged or filled and taking into account all prior dredging or filling of such wetland; and
2. Such wetland is not then regulated by COE; or
3. Such dredging or filling is not an approved impact under a conservation plan administered by any federal agency under the food security act, as amended (16 USC section 3801 et seq.).

WETLAND MITIGATION: The creation and long term maintenance of wetlands to offset wetland impacts from development.

WETLAND MITIGATION BANK: One or more parcels in Grundy County either approved by COE or the administrator of this plan, where wetlands and/or other aquatic resources are restored, created, enhanced, or in exceptional circumstances, preserved expressly for the purpose of providing compensatory mitigation in advance of authorized impacts to similar resources.

WETLAND MITIGATION FACILITY: A parcel in Grundy County specifically dedicated for the creation and long term maintenance of wetlands and other aquatic resources including any area designated as a compensatory storage facility when such area is used for wetland mitigation. (Ord. 2016-003, 3-8-2016)

8-4-5-7: REQUIREMENTS FOR STORMWATER MANAGEMENT:

8-4-5-7-1: GENERAL INFORMATION:

All developments shall meet the requirements of sections 8-4-5-8-1, 8-4-5-8-2, and 8-4-5-8-3 of this chapter. (Ord. 2016-003, 3-8-2016)

8-4-5-7-2: DEVELOPMENT REQUIREMENTS:

Developments shall comply with section 8-4-5-8-4 of this chapter after the effective date hereof if:

- A. Two (2) or more single-family detached dwellings are to be constructed on a site having five (5) or more acres;
- B. A two-family attached, multi-family attached dwelling, condominium, apartment or other residential building comprised of more than two (2) units is to be constructed on a site one acre or more in size;
- C. Any nonresidential development on a site one acre or more in size, unless such development consists solely of the installation, repair or replacement of the underground or overhead lines of a public utility within a public right of way;

D. Redevelopment on a site one acre or more in size resulting in twenty five thousand (25,000) square feet or more of additional impervious area in aggregate from the effective date hereof; or

E. Road development after the effective date hereof in rights of way under the ownership or control of a unit of local government resulting in two (2) acres or more of additional impervious area; or

F. The repair or replacement of an existing parking lot or privately owned road within the floodplain results in any additional impervious surface, an increase in peak flows, a change in the location of the stormwater discharge, or an increase in the elevation of the parking or driving surface. (Ord. 2016-003, 3-8-2016)

8-4-5-7-3: DEVELOPER OF A REDEVELOPMENT ASKS FOR FEE IN LIEU:

The developer of a redevelopment may ask that a fee in lieu of site runoff storage be approved under section 8-4-5-19 of this chapter and that the requirements of subsection 8-4-5-8-4F of this chapter be waived if:

A. The drainage plan will not increase peak discharges from the site, nor change the existing conveyance of off site flow; and

B. The drainage plan provides a net benefit in water quality compared to the existing development. (Ord. 2016-003, 3-8-2016)

8-4-5-7-4: DEVELOPER OF A DEVELOPMENT ASKS FOR FEE IN LIEU:

The developer of a development consisting only of mass grading may ask that a fee in lieu of site runoff storage be approved under section 8-4-5-19 of this chapter if:

A. There is no net increase in impervious surfaces; and

B. No structure is constructed, reconstructed or improved; and

C. The quality of site runoff is improved. (Ord. 2016-003, 3-8-2016)

8-4-5-8: GENERAL STORMWATER REQUIREMENTS:

8-4-5-8-1: DEVELOPMENT:

No development shall result in any new or additional expense to any person other than the developer for flood protection; or increase flood elevations or decrease flood conveyance capacity upstream or downstream of the area under the ownership or control of the developer. This requirement shall not prohibit the removal or reduction of built obstructions to flow, such as increasing culvert capacity or lowering roadway elevations. (Ord. 2016-003, 3-8-2016)

8-4-5-8-2: RESTRICTIONS:

A. Stormwater Facilities For The Development: Analysis and design of all stormwater facilities for the development shall comply with the standards and criteria established in any applicable watershed plan or interim watershed plan and are consistent with the technical manual.

B. Facilities Within Hazardous Wildlife Separation Zone: Analysis and design of all stormwater facilities located within the hazardous wildlife separation zone as defined by the wildlife hazard assessment (herein referred to as the Morris Municipal Airport and as amended from time to time) shall comply with the requirements established by the assessment included in subsection 8-4-5-21A, "Appendix A; Watershed Boundaries", of this chapter. When the analysis and design of the facility conflicts with the requirements that are listed in the assessment, the provisions in the assessment shall prevail.

C. Building Permits: Stormwater facilities shall be functional before building permits are issued for residential or nonresidential subdivisions. The administrator of the plan may make the determination that building permits may be granted prior to the facilities being functional based on sound engineering.

D. Overland Flow Paths: The development shall have an overland flow path at the downstream limit of the site that will pass the base flood flow without increasing flood damage. If the upstream drainage area is less than twenty (20) acres, a storm sewer pipe and inlet sized for the base flood may be constructed in lieu of providing an overland flow path. Overland flow paths internal to the site shall be considered as part of the major stormwater system and shall be designed for conveyance of the base flood (critical duration) without use of storm sewer capacity at a minimum of one cubic foot per second per tributary acre, and without damage to structures.

E. Protection Of Buildings: All usable space in new buildings or additions to existing buildings hydraulically connected to a major stormwater system, site runoff storage facility or overland flow path shall be elevated, floodproofed or otherwise protected to the FPE.

F. Depressional Storage: The function of existing on site depressional storage shall be preserved for both on site and off site tributary flows in addition to required detention. When depressional storage is removed it must be compensated for in the site runoff storage facility at a one to one (1:1) ratio provided that off site areas tributary to the existing depressional storage are routed through the site runoff storage facility. This requirement is in addition to the site runoff storage required in section 8-4-5-8-4 of this chapter. The administrator may allow the function of depressional storage to be preserved if the applicant performs detailed pre- and post-project hydrologic and hydraulic modeling to identify the effect of the depressional storage on discharges using a two (2) year through one hundred (100) year critical duration analysis. (Ord. 2016-003, 3-8-2016)

8-4-5-8-3: SITE RUNOFF REQUIREMENTS:

A. Stormwater facilities shall be required and designed so that runoff exits the site at the point where it exited prior to development (unless a change is required and approved in writing by the administrator) and in a manner so as not to increase flood damage downstream. Concentrated discharges from new developments must enter conveyance systems capable of carrying the design flow rate without increasing flood damage, erosion or maintenance costs downstream.

B. Minor stormwater systems shall be sized to convey runoff from the tributary watershed under fully developed conditions consistent with the design requirement of the permitting authority.

C. Major stormwater systems shall be sized to carry the base flood without causing additional flood damage.

D. Stormwater systems shall properly incorporate and be compatible with existing subsurface and surface discharge systems including agricultural systems. Designs shall not cause new or increased damage to existing drainage systems or to existing adjacent or tributary agricultural land uses.

1. Off Site Outfall: Agricultural subsurface and surface drainage systems shall be evaluated with regard to their capacity and capability to properly convey low flow groundwater and site runoff storage facility release without new or increased damage to downstream structures and land uses. If the outfall drain tile and surface drainage systems prove to be inadequate to handle the design release rate, one of the following solutions shall be used:

a. The site stormwater system and off site outfall shall be designed so that it does not exceed the existing capacity of the downstream drainage system, or

b. Modify the existing systems or construct new systems which will not conflict with the existing systems and will not impact existing land uses, or

c. Alternate solutions may be submitted to the administrator for approval.

2. On Site: Agricultural drainage systems shall be located and evaluated. All existing on site agricultural drain tiles not serving a beneficial use shall be abandoned by trench removal prior to other development and recorded on engineering details for the project. If any existing drain tiles continue to drain upland watersheds the developer must maintain drainage service during construction until new storm sewers can be installed for a permanent connection.

3. Off Site Tributary: Existing drainage systems shall be evaluated with regard to existing capabilities and reasonable future expansion capacities. All existing tributary drain tiles shall be incorporated into the new stormwater system that includes observation structures located at the limits of the site and shall provide a free flow discharge. Agricultural tributary surface conveyance shall be accepted by the new development with consideration given to the water quality and the ability to filter out sediment.

4. Preservation Of Existing Systems: New roadway construction shall preserve existing subsurface systems within the right of way. Inspection wells shall be placed in the right of way and tiles found not to be flowing between inspection wells at the end of construction shall be replaced.

E. Design runoff rates shall be calculated using event hydrograph methods. Acceptable event hydrograph methods are HEC-HMS, HEC-1 (SCS runoff method), and TR-20 or TR-55 tabular method. Event methods must incorporate the assumptions contained in this section 8-4-5. Design runoff rates for minor stormwater systems may be calculated using the rational method if the design watershed is less than twenty (20) acres.

F. Any design runoff rate calculation method shall use bulletin 70 northeast sectional rainfall statistics and shall calculate flow from all tributary areas upstream of the point of design. Peak discharges for conveyance design purposes shall be based on the critical duration considering the appropriate rainfall distribution.

G. Major and minor stormwater systems shall be located within easements or rights of way explicitly providing for government access or maintenance of such facilities by the grantee. New facilities constructed off site pursuant to subsection D of this section need not comply with this requirement.

H. Maximum flow depths for new transverse stream crossing shall not exceed one foot (1') at the crown of the road during the base flood condition. The maximum longitudinal flow depth on a roadway shall not exceed six inches (6") at the crown for flow depth (in feet) and velocity (in feet per second) shall not exceed four feet (4') per second for the base flood condition.

I. Transfers of waters between watersheds (diversions) shall be prohibited except when such transfers will not violate the provisions of section 8-4-5-8-1 of this chapter and are otherwise lawful. Watersheds for the purposes of this section shall be the major watershed divides as shown approximately in subsection 8-4-5-21A, "Appendix A; Watershed Boundaries", of this chapter. Exact watershed boundaries for a site nearby a boundary shall be determined based on actual site topography.

J. Developments shall incorporate best management practices in accordance with the clean water act (33 USC section 1251 et seq., as amended) and as required by the IEPA's national pollutant discharge elimination system (NPDES) permit program. (Ord. 2016-003, 3-8-2016)

8-4-5-8-4: SITE RUNOFF STORAGE REQUIREMENTS (DETENTION):

A. Calculations Based On Area: The area of hydrological disturbance on the site shall be used to calculate the required site runoff storage volume. The tributary area of the site at the point of discharge shall be used to calculate the allowable release rates of the primary restrictor for the site runoff storage facility.

B. Site Runoff Storage Volume: Unless a more restrictive allowable release rate has already been established by a watershed plan or interim watershed plan, the site runoff storage volume required shall be calculated based on maximum release rates of 0.15 cubic feet per second per acre for the 100-year, 24-hour storm event and 0.04 cubic feet per second per acre for the 2-year, 24-hour storm event according to methods identified in subsection C of this section.

C. Routing Methods: Event hydrograph routing methods such as HEC-1, HEC-HMS, and TR-20 or TR-55 tabular method using SCS curve number methodology shall be used to calculate design runoff volumes for site runoff storage facilities. Event methods shall incorporate the following assumptions:

1. Antecedent moisture condition equals two (2);
2. Appropriate Huff rainfall distribution except that SCS type II distribution is acceptable with TR-55 tabular method only; and
3. 24-hour duration storm with a one percent (1%) probability (100-year) of occurrence in any one year as specified by bulletin 70 northeast sectional rainfall statistics.

D. Release Rate: For sites where the undeveloped release rate is less than the maximum release rate in subsection B of this section, the developed release rate and corresponding site runoff storage volume shall be based on the existing undeveloped release rate for the development site.

E. Hydraulic Computations: Hydraulic computations for the release structure must assume backwater conditions up to the 10-year flood elevation on the adjacent receiving watercourse.

F. Retention Requirement:

1. The runoff from a 0.75 inch rainfall event over the hydraulically connected impervious area of a new industrial, commercial or multi-family development shall be stored below the elevation of the primary gravity outlet (retention) of the site runoff storage facility. The facility may be designed to allow for evapotranspiration or infiltration of this volume into a subsurface drainage system and shall not be conveyed through a direct positive connection to downstream areas. Retention will not be required if a site runoff storage facility falls within the hazardous wildlife separation zone as defined by the wildlife hazard assessment for the Morris Municipal Airport (as amended from time to time).

2. The hydraulically connected impervious area used in the calculation of required retention volume may be reduced by the administrator if the soils are undisturbed in situ or prepared to maximize infiltration and deep rooted grasses or other plants that assist in the promotion of infiltration and transpiration are planted in areas appropriately dedicated. The reduction in hydraulically connected impervious area used in the calculation shall be equal to the area of the development meeting the above soils/planting requirement.

3. Subsurface drainage systems may be designed as a component of the retention portion of the site runoff storage basin to assist in infiltration in accordance with the following criteria:

- a. No such subsurface drainage pipe shall be located within ten feet (10') of drainage pipes directly connected to the site runoff storage basin;

b. For purposes of meeting the maximum subsurface drainage requirements, flow control orifices and weirs may be incorporated into the design; and

c. The design shall be consistent with the methodologies and intent of the Grundy County "Stormwater Technical Manual" (hereafter referred to as the technical manual).

G. Characteristics Of Facilities: Site runoff storage facilities shall be designed and constructed with the following characteristics:

1. At least one foot (1') of freeboard above the 100-year design water surface elevation shall be required within the storage facility.
2. Storage facilities shall be accessible and easily maintained.
3. All design site runoff storage volume shall be provided above the seasonal high groundwater table or the invert elevation of the groundwater control system.
4. Storage facilities shall be designed to control sediment and floating debris. Unless specifically approved by the administrator, concrete lined low flow ditches shall not be used in site runoff storage basins.
5. Storage facilities shall minimize the negative impacts of stormwater runoff into the water quality by incorporating best management practices in the design of the facilities.
6. Storage facilities shall maximize the distance between site runoff storage inlets and outlets to the extent possible.
7. Storage facilities shall be designed so as not to exceed the existing predevelopment peak runoff rate of the 100-year critical duration rainfall when the primary restrictor is assumed to be blocked.
8. Storage facilities with single pipe outlets shall have a minimum inside diameter of twelve inches (12"). If design release rates necessitate a smaller outlet to be constructed perforated risers or flow control orifices shall be used to prevent smaller openings from clogging.

H. Storage Facilities: Storage facilities located within the regulatory floodplain shall:

1. Comply with section 8-4-5-10 of this chapter; and
2. Store the required amount of site runoff to meet the release rate requirement under all stream flow and backwater conditions up to the 10-year flood elevation on the adjacent receiving watercourse. The administrator may approve designs which can be substantiated through hydrologic and hydraulic engineering analysis to provide a new watershed benefit not otherwise realized by strict application of the requirements set forth in this subsection.

I. Facility Requirements: Storage facilities located within the regulatory floodway will be allowed only as a variance and shall: 1) meet the requirements for locating storage facilities in the regulatory floodplain; and 2) be evaluated by performing hydrologic and hydraulic analysis consistent with the standards and requirements for watershed plans; and 3) provide a net watershed benefit.

J. Requirements For Off Site Locations: Site runoff facilities may be located off site if: 1) the off site storage facility meets all of the requirements of this section 8-4-5; and 2) adequate storage capacity in the off site facility is dedicated to the development; and 3) the development includes a means to convey stormwater within an easement to the off site storage facility.

K. Enlarging Storage Allowed By Variance: Site runoff storage volume provided by enlarging existing regulatory floodplain storage (on stream runoff storage) will be allowed only as a variance. The applicant must demonstrate that flood damage will not be increased and the development will not increase flood flows for both the 2-year and 100-year floods.

L. Structures Built Across Channel: Structures built across the channel to impound water to meet site runoff storage requirements shall be prohibited on any perennial stream unless part of a public flood control project with a net watershed benefit. Those streams appearing as blue on a USGS quadrangle map shall be assumed to be perennial unless better data is provided by the developer. In all cases, it must be demonstrated that all such structures will not cause short term or long term instability and that they are permitted under a joint application to the IDNR, COE and IEPA. Where such facilities are approved the applicant must also comply with subsection F of this section. (Ord. 2016-003, 3-8-2016)

8-4-5-9: EROSION AND SEDIMENT CONTROL:

8-4-5-9-1: EROSION AND SEDIMENT CONTROL PLANNING:

A. Erosion and sediment control planning shall be part of the initial site planning process. In planning the development of the site, the applicant shall consider the sensitivity of existing soils to erosion and topographical features such as steep slopes, stream corridors and special management areas which must be protected to reduce the amount of erosion and sediment that may occur. Where appropriate, existing vegetation shall be protected from disturbance during construction by fencing or other means. In the planning process the applicant shall also address the following:

1. For projects that involve phased construction, existing land cover for those areas not under current development shall be addressed. If existing land cover does not consist of appropriate dense vegetation then these phases shall be planted temporarily to reduce erosion from idle land.

2. In planning the erosion and sediment control strategy, preference shall be given to reducing erosion rather than controlling sediment. In order to accomplish this, details need to be provided that include the construction sequence of the phases such that the amount of land area exposed to erosive forces is minimum for the completion of the project.

B. Standards and specifications for erosion and sediment control measures shall be in accordance with the latest edition of the "Illinois Urban Manual". Erosion and sediment control planning shall be in accordance with the current "Procedures And Standards For Urban Soil Erosion And Sedimentation Control In Illinois" and current "Green Book" chapter 1 through 5 written by the Northeastern Illinois soil erosion and sedimentation control steering committee. If there is a conflict between the "Illinois Urban Manual" and the "Green Book", the "Illinois Urban Manual" shall prevail.

C. The runoff from disturbed areas shall not leave the site without first passing through a sediment control device or measure. This requirement shall apply to all phases of the construction project and shall include an ongoing process of implementation of measures and maintenance of those measures.

D. In the hydraulic and hydrologic design of major erosion control measures for tributary drainage areas greater than three (3) acres, such as sediment basins, traps and diversions, the design frequency shall be commensurate with the risk of the design event being exceeded. The following design frequencies shall be regarded as minimum for construction periods as described below:

1. If development is estimated to be completed in less than six (6) months, the storm event having a fifty percent (50%) chance (2-year event) of being exceeded in any year shall be used for design purposes.

2. If development is estimated to be completed in more than six (6) months but less than one year, the design frequency for major sediment

basins shall be a rainfall event with a twenty percent (20%) chance (5-year event) of being exceeded in any one year.

3. If development is estimated to take more than one year to complete, major sediment basins shall be designed for a rainfall event with a ten percent (10%) chance (10-year event) of being exceeded in any one year.

4. All sediment basins shall be designed for a minimum residence time of ten (10) hours for detained runoff and shall include a volume for sediment storage reflective of the clean out schedule for the basin.

E. The erosion and sediment control plan shall designate a series of practices which shall be implemented either at the direction of the applicant, the applicant's on site representative, or upon notification by the administrator if an inspection of the site indicates a deficiency in soil and sediment erosion control measures. At a minimum, these measures shall include: 1) sediment basins; 2) sediment traps; 3) diversion swales; 4) silt fences; 5) temporary seeding; 6) mulching; 7) erosion control blankets; 8) energy dissipation devices; 9) inlet protection; and 10) stabilize construction entrance.

F. The area of disturbance on site at any one time shall be limited to twenty (20) acres. An additional twenty (20) acres (a maximum of 40 acres of disturbance at any 1 time) may be disturbed if necessary to balance out and fill on site. The administrator may approve a larger area of disturbance pursuant to a plan for phased construction or after development has begun, if the developer adequately demonstrates the need. Therefore the administrator may approve the larger area of disturbance if he/she finds: that adequate temporary and permanent erosion and sediment control measures can be maintained; and that the area of disturbance is the smallest practical area consistent with the intent to limit disturbed area; and the design will minimize the risk of sediment being introduced into the site runoff and being carried off site. No additional area may be disturbed without the permission of the administrator until the previously disturbed areas have been temporarily or permanently stabilized. All disturbed areas shall be stabilized within fourteen (14) days of the final grading or when left idle for more than seven (7) days. Maintained haul roads and the area of sediment basins, site runoff storage facilities, utility corridors having a maximum width of twenty feet (20') and any permanently stabilized areas are excluded from this limitation.

G. Erosion and sediment control plans shall be in accordance with this section 8-4-5 and shall include the following:

1. Detailed construction phasing plan identifying erosion and sediment control measures to be in place for each phase shall be provided.
 2. Erosion and sediment control measures are to be installed initially prior to stripping existing vegetation or mass grading. Details of this shall be provided on the plans.
 3. Permanent stabilization measures shall be identified as such.
 4. The expected 2-year and 10-year runoff rates from all off site areas draining into the site shall be identified on the plan.
 5. Methods for conveying flows through the site during construction shall be indicated. These methods shall include the temporary and permanent stabilization measures to be used to reduce velocity and erosion from flow through the construction zone.
 6. A maintenance schedule of each measure used shall be indicated on the plan. As a minimum, all erosion and sediment control measures on site shall be inspected weekly by the applicant or the applicant's on site representative or after a one-half inch ($\frac{1}{2}$ ") or greater rainfall event and any required repairs shall be made to keep these measures functional as designed.
 7. Special management areas and any required buffers shall be indicated on the erosion and sediment control plan.
- H. To the extent practicable, proposed ditches and waterways which are to convey off site flows through the site shall be stabilized upon construction. Where new waterways are constructed they shall be stabilized to the extent practicable prior to their use to convey flood flows.
- I. Stockpiles of soil and other building materials (sand, limestone, etc.) shall not be placed in special management areas or required buffers. If a stockpile is to remain in place for more than three (3) days, erosion and sediment control shall be provided.
- J. Storm sewer inlets shall be protected with sediment trapping and/or filter control devices during construction.
- K. Water pumped or which is otherwise discharged from the site during construction dewatering shall be filtered and a means provided to reduce erosion.
- L. Graveled roads, access drives, parking areas with sufficient width and length and vehicle wash down facilities if necessary, shall be provided to prevent soil from being tracked onto public or private roadways. Any soil tracked onto a public or private roadway shall be removed before the end of each workday or sooner as directed by the authority maintaining the roadway.

M. Temporary stream crossings of intermittent and perennial streams used only for and during construction shall be designed to convey a 2-year flood minimum, without overtopping unless a more frequent design event is allowed by the administrator and will not obstruct the portion of the channel carrying the base flow. The entire crossing shall be designed to withstand hydrodynamic and erosive forces up to the base flood event without washing out. Ephemeral streams shall be crossed at temporary at grade crossings provided that the crossing point is stabilized with materials resistant to the erosive forces produced by runoff from the upstream drainage area and the design is approved by the administrator. All temporary stream crossings shall be completely removed and the stream restored to its preconstruction condition upon completion of construction. Restoration shall incorporate appropriate native vegetation. (Ord. 2016-003, 3-8-2016)

8-4-5-10: PROTECTION OF SPECIAL MANAGEMENT AREAS:

8-4-5-10-1: DISCLAIMER:

Nothing in this section 8-4-5 purports to alter or affect the regulatory program that is administered by the IDNR-OWR. Anything in this section 8-4-5 to the contrary notwithstanding, if under the rules and regulations administered by IDNR-OWR a submittal, review, approval, or need not to be made to IDNR-OWR. Nothing in this section 8-4-5 shall be construed to impose a requirement that such a submittal be made or that such a review, approval or permit be obtained from IDNR-OWR. Similarly, if IDNR-OWR has delegated its regulatory authority to another entity, then anything in this section 8-4-5 to the contrary notwithstanding, if required by such entity, such submittal shall be made or such review, approval or permit shall be obtained from such entity. (Ord. 2016-003, 3-8-2016)

8-4-5-10-2: STATEWIDE PERMITS:

Development qualifying for any of the self-issuing statewide permits administered by IDNR-OWR (statewide permits nos. 1 through 14) is similarly permitted under this section 8-4-5-10. All other provisions of this section 8-4-5 applicable to such development, however, continue to apply. (Ord. 2016-003, 3-8-2016)

8-4-5-10-3: FLOODPLAIN MANAGEMENT:

A. Purposes: Flood management accomplishes the following purposes:

1. To prevent unwise developments from increasing flood or drainage hazards to others;

2. To protect new buildings and major improvements to buildings from flood damage;
3. To promote and protect the public health, safety, and general welfare of the citizens from the hazards of flooding;
4. To lessen the burden on the taxpayer for flood control, repairs to public facilities and utilities, and rescue and relief operations;
5. To maintain property values and a stable tax base by minimizing the potential for creating blight areas;
6. To make property values and a stable tax base by minimizing the potential for creating blight areas; and
7. To preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and storm water impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, and provide aesthetic enhancement to the area.

B. Preventing Increased Flood Heights And Resulting Damages: Within the floodway identified on the flood insurance rate map, and within all other floodplains where a floodway has not been delineated, the following standards shall apply:

1. Except as provided in subsection B2 of this section, no development shall be allowed which, acting in combination with existing and anticipated development, will cause any increase in flood heights or velocities or threat to public health and safety. The following specific development activities shall be considered as meeting this requirement:

- a. Bridge and culvert crossings of streams in rural areas meeting the conditions of the IDNR/OWR statewide permit no. 2.
 - b. Barge fleeting facilities meeting the conditions of IDNR/OWR statewide permit no. 3;
 - c. Aerial utility crossings meeting the conditions of IDNR/OWR statewide permit no. 4;
 - d. Minor boat docks meeting the conditions of IDNR/OWR statewide permit no. 5
 - e. Minor, nonobstructive activities meeting the conditions of the IDNR/OWR statewide permit no. 6;
 - f. Outfall structures and drainage ditch outlets meeting the conditions of IDNR/OWR statewide permit no. 7;
 - g. Underground pipeline and utility crossings meeting the conditions of IDNR/OWR statewide permit no. 8;
 - h. Bank stabilization projects meeting the conditions of IDNR/OWR statewide permit no. 9;
 - i. Accessory structures and additions to existing residential buildings meeting the conditions of IDNR/OWR statewide permit no. 10;
 - j. Minor maintenance dredging activities meeting the conditions of IDNR/OWR statewide permit no. 11;
 - k. Bridge and culvert replacement structures and bridge widening meeting the conditions of IDNR/OWR statewide permit no. 12;
 - l. Temporary construction activities meeting the conditions of IDNR/OWR statewide permit no. 13; and
 - m. Any development determined by IDNR/OWR to be located entirely within a flood fringe area.
2. Other development activities not listed in subsection B1 of this section may be permitted only if:
- a. Permit has been issued for the work by IDNR/OWR (or written documentation is provided that an IDNR/OWR permit is not required), or
 - b. Sufficient data has been provided to FEMA when necessary, and approval obtained from FEMA for a revision of the regulatory map and base flood elevation.

C. Protected Buildings:

1. In addition to the state permit and damage prevention requirements of subsection B of this section, all buildings located in the floodplain shall be protected from flood damage below the flood protection elevation. This building protection requirement applies to the following situations:

- a. Construction or placement of a new building or alteration or addition to an existing building valued at more than one thousand dollars (\$1,000.00) or seventy (70) square feet.
- b. Substantial improvements or structural alterations made to an existing building that increase the floor area by more than twenty percent (20%) or equal or exceed the market value by fifty percent (50%). Alteration shall be figured cumulatively subsequent to the adoption of this section 8-4-5. If substantially improved, the existing structure and the addition must meet the flood protection standards of this section.
- c. Repairs made to a substantially damaged building shall be figured cumulatively subsequent to the adoption of this section 8-4-5. If substantially damaged, the entire structure must meet the flood protection standards of this section within twenty four (24) months of the date the damage occurred.
- d. Installing a manufactured home on a new site or a new manufactured home on an existing site. (The building protection requirements do not apply to returning a manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage.)
- e. Installing a travel trailer or recreational vehicle on a site for more than one hundred eighty (180) days per year.
- f. "Repetitive loss" to an existing building as defined in this section 8-4-5.

2. Residential or nonresidential buildings can meet the building protection requirements by one of the following methods:

- a. The building may be constructed on permanent land fill in accordance with the following:
 - (1) The lowest floor (including basement) shall be at or above the flood protection elevation,
 - (2) The fill shall be placed in layers no greater than six inches (6") before compaction and should extend at least ten feet (10') beyond the foundation before sloping below the flood protection elevation,
 - (3) The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or other structural measure,
 - (4) The fill shall be composed of rock or soil and not incorporated debris or refuse material, and
 - (5) The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties and when necessary stormwater management techniques such as swales or basins shall be incorporated.

b. The building may be elevated in accordance with the following:

(1) The building or improvements shall be elevated on stilts, piles, walls, crawl space, or other foundation that is permanently open to floodwaters.

(2) The lowest floor and all electrical, heating, ventilating, plumbing, and air conditioning equipment and utility meters shall be located at or above the flood protection elevation.

(3) If walls are used, all enclosed areas below the flood protection elevation shall address hydrostatic pressures by allowing the automatic entry and exit of floodwaters. Designs must either be certified by a licensed professional engineer to ensure hydrostatic flood forces on walls are automatically equalized by allowing the entry and exit of floodwaters or by having a minimum of one permanent opening on each wall no more than one foot (1') above grade with a minimum of two (2) openings. The openings shall provide a total net area of not less than one square inch for every one square foot of enclosed area subject to flooding below the base flood elevation, and

(4) The foundation and supporting members of all new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

(5) All structural components below the flood protection elevation shall be constructed of materials resistant to flood damage.

(6) Water and sewer pipes, electrical and telephone lines, submersible pumps, and other service facilities may be located below the flood protection elevation provided they are waterproofed.

(7) The area below the flood protection elevation shall be used solely for parking or building access and not later modified or occupied as habitable space, or

c. The building may be constructed with a crawl space located below the flood protection elevation provided that the following conditions are met:

(1) The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

(2) Any enclosed area below the flood protection elevation shall have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. A minimum of one opening on each wall having a total net area of not less than one square inch per one square foot of enclosed area. The openings shall be no more than one foot (1') above grade.

(3) The interior grade of the crawl space below the flood protection elevation must not be more than two feet (2') below the lowest adjacent exterior grade.

(4) The interior height of the crawl space measured from the interior grade of the crawl to the top of the foundations wall must not exceed four feet (4') at any point.

(5) An adequate drainage system must be installed to remove floodwaters from the interior area of the crawl space within a reasonable period of time after a flood event.

(6) Portions of the building below the flood protection elevation must be constructed with materials resistant to flood damage, and

(7) Utility systems within the crawl space must be elevated above the flood protection elevation.

3. Nonresidential buildings may be structurally dry floodproofed (in lieu of elevation) provided a licensed professional engineer or architect certifies that:

a. Below the flood protection elevation the structure and attendant utility facilities are watertight and capable of resisting the effects of the base flood.

b. The building design accounts for flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, the effects of buoyancy, and the impact from debris and ice.

c. Floodproofing measures will be incorporated into the building design and operable without human intervention and without an outside source of electricity.

4. Levees, berms, floodwalls and similar works are not considered floodproofing for the purpose of this section.

5. Manufactured homes or travel trailers to be permanently installed on site shall be:

a. Elevated to or above the flood protection elevation in accordance with subsection C2 of this section, and

b. Anchored to resist flotation, collapse, or lateral movement by being tied down in accordance with the rules and regulations for the Illinois mobile home tie-down act issued pursuant to 77 Illinois administrative code section 870.

6. Travel trailers and recreational vehicles on site for more than one hundred eighty (180) days per year shall meet the elevation requirements of subsection C5 of this section, unless the following conditions are met:

a. The vehicle must be either self-propelled or towable by a light duty truck,

b. The hitch must remain on the vehicle at all times,

c. The vehicle must not be attached to external structures such as decks and porches,

d. The vehicle must be designed solely for recreation, camping, travel, or seasonal use rather than as a permanent dwelling,

e. The vehicle's largest horizontal projections must be no larger than four hundred (400) square feet,

f. The vehicle's wheels must remain on axles and inflated,

g. Air conditioning units must be attached to the frame so as to be safe for movement from the floodplain,

h. Propane tanks as well as electrical and sewage connections must be quick disconnect,

i. The vehicle must be licensed and titled as a recreational vehicle or park model, and

j. Must either:

(1) Entirely be supported by jacks, or

(2) Have a hitch jack permanently mounted, have the tires touching the ground and be supported by block in a manner that will allow the block to be easily removed by use of the hitch jack.

7. Garages, sheds or other minor accessory structures constructed ancillary to an existing residential use may be permitted to be constructed with the lowest floor below the flood protection elevation provided the following conditions are met:

- a. The garage or shed must be nonhabitable.
- b. The garage or shed must be used only for the storage of vehicles and tools and cannot be modified later into another use.
- c. The garage or shed must be located outside of the floodway or have the appropriate state and/or federal permits.
- d. The garage or shed must be on a single-family lot and be accessory to an existing principal structure on the same lot.
- e. Below the base flood elevation, the garage or shed must be built of materials not susceptible to flood damage.
- f. All utilities, plumbing, heating, air conditioning and electrical must be elevated above the flood protection elevation.
- g. The garage or shed must have at least one permanent opening on each wall not more than one foot (1') above grade with one square inch of opening for every one square foot of floor area.
- h. The garage or shed must be less than fifteen thousand dollars (\$15,000.00) in market value or replacement cost whichever is greater or less than five hundred seventy six (576) square feet (24 feet x 24 feet).

(1) The structure shall be anchored to resist flotation and overturning.

(2) All flammable or toxic materials (gasoline, paint, insecticides, fertilizers, etc.) shall be stored above the flood protection elevation.

(3) The lowest floor elevation should be documented and the owner advised of the flood insurance implication.

D. Subdivision Requirements: The certified community shall take into account hazards, to the extent that they are known, in all official actions related to land management use and development.

1. New subdivisions, manufactured home parks, annexation agreements, planned unit developments, and additions to manufactured home parks and subdivisions shall meet the damage prevention and building protections standards of this section 8-4-5. Any proposal for such development shall include the following data:

- a. The base flood elevation and the boundary of the floodplain, where the base flood elevation is not available from an existing study, the applicant shall be responsible for calculating the base flood elevation;
- b. The boundary of the floodway when applicable; and
- c. A signed statement by a licensed professional engineer in the state of Illinois that the proposed plat or plan accounts for changes in the drainage of surface waters in accordance with the plat act ¹.

2. Streets, blocks, lots, parks and other public grounds shall be located and laid out in such a manner as to preserve and utilize natural streams and channels. Wherever possible the floodplains shall be included within parks or other public grounds.

E. Public Health And Other Standards:

1. Public health standards must be met for all floodplain development. In addition to the requirements of subsections C and D of this section, the following standards apply:

a. No development in the floodplain shall include locating or storing chemicals, explosives, buoyant materials, flammable liquids, pollutants, or other hazardous or toxic materials below the flood protection elevation unless such materials are stored in a floodproofed and anchored storage tank and certified by a professional engineer or floodproofed building constructed according to the requirements of subsection D of this section.

b. Public utilities and facilities such as sewer, gas, and electric shall be located and constructed to minimize or eliminate flood damage.

c. Public sanitary sewer systems and water supply systems shall be located and constructed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.

d. New and replacement on site sanitary sewer lines or waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding. Manholes or other aboveground openings located below the flood protection elevation shall be watertight.

e. Critical facilities shall be protected to the 500-year flood elevation. In addition, all ingress and egress from any critical facility must be protected to the 500-year flood elevation.

2. All other activities defined as "development" shall be designed so as not to alter flood flows or increase potential flood damages. (Ord. 2016-003, 3-8-2016)

Notes

¹ 1. 765 ILCS 205/2.

8-4-5-10-4: FLOODPLAIN, BFE AND REGULATORY FLOODWAY LOCATIONS:

A. Regulatory Floodplain Limits: The BFE shall be delineated on the site topography to establish the regulatory floodplain limits for regulation under this section 8-4-5 using the flood insurance rate maps (FIRM) and flood insurance study (FIS) of Grundy County dated August 2, 2012, by the federal emergency management agency in accordance with subsection B of this section.

B. BFE Determination: The BFE shall be:

1. In the case of AE zones on the FIRM, the BFE shall be the one percent (1%) annual chance flood profile elevation in the FIS, or
2. In the case of AH zones on the FIRM, the BFE shall be that elevation delineated on the FIRM, or

3. In the case of AO zones on the FIRM, the BFE shall be that depth delineated on the FIRM added to the highest adjacent grade or at least two feet (2') above the highest adjacent grade if no depth number is provided, or

4. The BFE for each of the remaining floodplains delineated as A zones on the FIRM shall be according to the best data available from federal, state or other sources.

a. Should no other data exist, the BFE should be determined by an engineering study financed by the applicant and conducted by a professional engineer using appropriate hydrologic and hydraulic models as follows:

- (1) Hydrologic models: TR-20, HEC-1, HEC-HMS;
- (2) Hydraulic models: HEC-2, HEC-RAS, WSP-2; or
- (3) A technique approved by the administrator and IDNR-OWR.

b. Where a channel has a tributary drainage area of six hundred forty (640) acres or more, the above analysis shall be submitted to IDNR-OWR for approval.

C. Floodway Delineation And Elevations:

1. The location of the regulatory floodway shall be as delineated on the FIRM. Where an interpretation is needed to determine the exact location of the regulatory floodway boundary, IDNR-OWR shall be contacted.

2. General criteria for analysis of flood elevations in the regulatory floodway are as follows:

a. The flood profiles, flows and data from the current applicable regulatory map must be used for analysis of the base conditions. If the study data appears to be in error or conditions have changed, FEMA and IDNR-OWR shall be contacted for approval and concurrence on the appropriate base conditions data to use. The same Manning's "n" value shall be used for both existing and proposed conditions unless a recorded maintenance agreement obligates a public entity to maintain the proposed conditions or the land cover is changing from vegetative to nonvegetative. The administrator shall be copied on all related correspondence.

b. If the BFE at the site is affected by backwater from a downstream receiving stream with a larger drainage area, the proposed development shall be shown to meet the requirements of this section with the receiving stream at both the normal water elevation and the BFE.

c. If the applicant is informed by IDNR-OWR, a local government or private owner that a downstream or upstream restrictive bridge or culvert is scheduled to be removed, reconstructed or modified, or a regional flood control project is scheduled to be built, removed, constructed or modified within the next five (5) years, the proposed development shall be analyzed and shown to meet the requirements of this section for both the existing conditions and the expected flood profile conditions when the bridge, culvert or flood control project is built, removed or modified.

d. If the use will result in a change in the location of the regulatory floodway or a change in the BFE, then no development shall take place until a CLOMR has been issued by FEMA. Filling, grading, dredging or excavating may take place upon issuance of a CLOMR by FEMA. No further development activities shall take place or building permit issued in existing or proposed floodplain until an LOMR is issued by FEMA. The administrator shall be copied on all related correspondence.

e. In the circumstances listed below and located in a regulatory floodway, at a minimum, the information set forth below shall be submitted to IDNR-OWR for its review and approval.

- (1) Analysis of the flood profile due to a proposed bridge, culvert crossing or roadway approach;
- (2) An engineer's determination that an existing bridge, culvert crossing or roadway approach is not a source of flood damage and the analysis indicating the proposed flood profile;
- (3) Alternative transition sections and hydraulically equivalent compensatory storage;
- (4) Stormwater management permits issued to local units of government for regulatory floodway and floodplain development;
- (5) IDNR-OWR will issue permits for any IDNR-OWR, state, federal or community projects for activities or developments that are located within the floodway. (Ord. 2016-003, 3-8-2016)

8-4-5-10-5: GENERAL PERFORMANCE STANDARDS:

The following general performance standards are applicable to all development in a regulatory floodplain. The standards of this section apply except when superseded by more stringent requirements in the following sections:

A. All development in regulatory floodplain, except as allowed in subsection 8-4-5-10-3B and section 8-4-5-10-11 of this chapter, shall comply with the compensatory storage volume standards of section 8-4-5-10-8 of this chapter.

B. For all projects involving a channel modification, fill, stream maintenance or a levee, the flood conveyance and storage capacity of the regulatory floodplain shall not be reduced.

C. If the proposed development would result in a change in the regulatory floodplain or BFE the applicant shall obtain a CLOMR from FEMA prior to development followed by an LOMR from FEMA following development. No buildings may be built in the existing or proposed regulatory floodplain unless the building meets all the building protection standards that are listed within subsection 8-4-5-10-3C of this chapter. Proposed changes to the regulatory floodway delineation and the BFE must also be submitted to the IDNR-OWR for their approval.

D. Prior to the commencement of any construction, modification or removal of a dam, the developer shall obtain an IDNR-OWR dam safety permit or letter from the IDNR-OWR stating that a permit is not required.

E. For public flood control projects sections 8-4-5-10-3 through 8-4-5-10-13 of this chapter will be deemed met if the applicant demonstrates to IDNR-OWR and the stormwater committee:

1. By hydraulic and hydrologic modeling that the proposed project will not singularly or cumulatively result in increased flood heights outside the project site or that any increases will be contained in easements for all flood events up to and including the base flood event;
2. That the project will be operated and maintained by a public entity;
3. That the project will reduce flood damage to an existing building or structure.

Nothing in this section precludes the design, engineering, construction or financing, in whole or in part, of a public flood control project by persons who are not public entities. (Ord. 2016-003, 3-8-2016)

8-4-5-10-6: NONCONFORMING STRUCTURES:

Structures classified as nonconforming structures, according to chapter 12 of this title, that are damaged by flood, fire, wind or other disaster are subject to the requirements of this section 8-4-5 in addition to the requirements of chapter 12 of this title. (Ord. 2016-003, 3-8-2016)

8-4-5-10-7: LOWEST OPENING:

For proposed structures located outside the regulatory floodplain, the lowest opening shall be above the FPE (unless allowed in accordance with the regulations stated in subsection 8-4-5-10-3C of this chapter), including doors, accessways and window wells as depicted on the building plans reviewed and enforced by the building and zoning official. (Ord. 2016-003, 3-8-2016)

8-4-5-10-8: COMPENSATORY STORAGE VOLUME STANDARDS:

The following standards apply within the regulatory floodplain:

A. Hydraulically equivalent compensatory storage volume will be required for development in a riverine regulatory floodplain and shall be at least equal to the regulatory floodplain flood storage volume displaced multiplied by 1.5 for unincorporated areas and 1.0 within the incorporated areas. The storage volume displaced below the existing 10-year frequency flood elevation must be replaced below the proposed 10-year frequency flood elevation. The storage volume displaced above the 10-year existing frequency flood elevation must be replaced above the proposed 10-year frequency flood elevation. The additional compensatory flood storage required beyond a one to one (1:1) ratio may be placed above or below the 10-year flood elevation.

B. Compensatory storage volume for development in a nonriverine regulatory floodplain area that is also adjacent to a lake shall be equal to the storage volume displaced.

C. Compensatory storage volume requirements for development in a nonriverine regulatory floodplain that is not adjacent to a lake shall be replaced in accordance with the requirements for the loss of depressional storage in subsection 8-4-5-8-2F of this chapter.

D. Compensatory storage areas shall be designed to drain freely and openly to the channel and shall be located adjacent to the development. This standard does not apply to nonriverine regulatory floodplain or the replacement of depressional storage.

E. A recorded covenant running with the land shall be required to maintain the compensatory storage volume in areas modified to provide compensatory storage volume. (Ord. 2016-003, 3-8-2016)

8-4-5-10-9: DEVELOPMENT IN THE FLOODWAY:

Only development meeting the requirements of subsection 8-4-5-10-3B of this chapter shall be permitted in a regulatory floodway and shall also comply with all other applicable provisions of this section 8-4-5. (Ord. 2016-003, 3-8-2016)

8-4-5-10-10: RIVERINE FLOODPLAIN WITHOUT A DELINEATED FLOODWAY:

These standards apply to riverine regulatory floodplains without a delineated floodway.

A. The applicant shall obtain approval from IDNR-OWR for development of more than five (5) acres or subdivisions of more than fifty (50) lots located entirely or partly within the regulatory floodplain (without a delineated regulatory floodway).

B. The development shall not singularly or cumulatively result in an obstruction of flood flows or potential flood damages outside the site due to an increase in flood heights, velocities or loss of floodplain area storage.

C. If the riverine floodplain without a delineated floodway is in a zone A with no BFEs shown, then a professional engineer shall submit a study that:

1. Determines a BFE and demonstrates that the proposed development will maintain the existing conditions conveyance, will not increase flood velocities, will not increase flood profiles and will compensate for any lost floodplain storage in accordance with section 8-4-5-10-8 of this chapter; or

2. Shows that the proposed development will meet the requirements for regulatory floodplains in sections 8-4-5-10-3 through 8-4-5-10-9 of this chapter. (Ord. 2016-003, 3-8-2016)

8-4-5-10-11: BRIDGE AND CULVERT STANDARDS:

These standards are for the reconstruction, modification or new construction of bridges, culvert crossings and roadway approaches that are located within the regulatory floodplain.

A. A proposed new structure shall not result in an increase of upstream flood stages greater than 0.1 foot when compared to the existing conditions for all flood events up to and including the base flood event unless contained within the channel banks or recorded easements. The evaluation must be submitted to IDNR-OWR for review and issuance of a permit.

B. If the proposed new structure will increase upstream flood stages greater than 0.1 foot, the applicant must contact IDNR-OWR for a dam safety permit or waiver. The administrator shall be copied on all related correspondence.

C. A restrictive bridge or culvert may be altered to increase the conveyance of the base flood if an impact analysis is completed and approved in writing by the administrator and all other required regulatory approvals are obtained.

D. Velocity increases must be mitigated by use of appropriate measures to avoid scour, erosion and sedimentation at the structure.

E. For modification or replacement of existing structures in a regulatory floodway, the existing structure must first be evaluated in accordance with this section 8-4-5 to determine if the existing structure is a source of flood damage. If the structure is a source of flood damage, the applicant's engineer shall justify allowing the damage to continue and evaluate the feasibility of relieving the structure's impact. Modifications to or replacement of structures, other than a restrictive bridge or culvert in subsection C of this section shall not increase flood stages compared to the existing condition for all flood events up to and including the base flood event. The evaluation must be submitted to IDNR-OWR for review and approval before a permit is issued. The administrator shall be copied on all related correspondence.

F. The hydraulic analysis for the backwater caused by the bridge showing the existing condition and proposed regulatory profile must be submitted to IDNR-OWR for concurrence that a CLOMR is not required.

G. Construction vehicles shall cross streams by the means of existing bridges or culverts. Where an existing crossing is not available, a temporary crossing, for which a permit or waiver has been issued by IDNR-OWR, shall be constructed in which:

1. The approach roads will be six inches (6") or less above existing grade;
2. The crossing will allow stream flow to pass without backing up the water above the stream bank vegetation line or above any drainage tile or outfall;
3. The top of the roadway fill in the channel will be at least two feet (2') below the top of the lowest bank;

4. Any fill in the channel shall be nonerosive material, such as riprap or gravel; and

5. The access road and temporary crossings will be removed within one year after installation, unless an extension of time is granted by the administrator. (Ord. 2016-003, 3-8-2016)

8-4-5-10-12: REQUIREMENTS FOR WETLAND DELINEATION:

A. Before any development in or near waters of the U.S., or in or near a wetland delineated on the NRCS wetland inventory maps, U.S. fish and wildlife service national wetland inventory map or if administrator considers that a wetland is present through visual inspection, a written report identifying and evaluating the boundaries, location, limits, area and quality of all on site wetlands shall be submitted. The presence and limits of wetland areas shall be determined by a wetland delineation conducted in accordance with the "1987 Corps Of Engineers Wetlands Delineation Manual". Wetland delineation under this section shall be valid for three (3) years. The presence of farmed wetlands shall be determined by a farmed wetland delineation conducted in accordance with the "National Food Security Act Manual" methodology.

B. Before any development on agricultural land, in addition to the on site delineation required under the provisions listed in subsection A of this section, a farmed wetland delineation conducted in accordance with the "National Food Security Act Manual" methodology must be performed.

C. The quality of the wetlands shall be evaluated based upon the flora quality index (FQI).

D. The approximate location, extent and relative quality of wetlands within fifty feet (50') of the site shall be identified and included in the written report if the wetland is downstream of the development such that the runoff could negatively affect the quality or health of the wetland. The location and extent of such off site wetlands shall be determined by using the first of the following documents or procedures pertaining to such wetlands at the time of development:

1. Site specific delineation;
2. Wetlands identified in watershed plans or ADID studies. If such plans are not available, then;
3. Wetlands identified in interim watershed plans. If such plans are not available, then;
4. Wetlands identified on NRCS wetlands inventory maps. If such maps are not available, then;
5. Wetlands identified on the United States fish and wildlife service national wetlands inventory maps.

E. Final FQI assessments made before June 1 or after October 15 unless allowed at the discretion of the administrator, shall be considered to be preliminary. Buffer requirements shall be based upon such assessments. (Ord. 2016-003, 3-8-2016)

8-4-5-10-13: MITIGATION TO BE LOCAL:

All wetland mitigation required under a COE section 404 permit for wetland disturbances in the county, shall be provided for. All wetland mitigation required under this section 8-4-5 for wetland impacts in the county shall be provided for in the county. All wetland mitigation required under this section 8-4-5 for wetland impacts in any other county may be provided in such county or in this county. (Ord. 2016-003, 3-8-2016)

8-4-5-10-14: WETLAND PRESERVATION DURING DEVELOPMENT:

Preserved wetlands shall be protected during development such that an FQI calculated upon completion of the project or two (2) years after the commencement of development, whichever is later, will not be more than two (2) points less than the FQI originally calculated. The developer shall mitigate for any wetland not so preserved at the ratio required for in the FQI originally calculated. (Ord. 2016-003, 3-8-2016)

8-4-5-10-15: BUFFER REQUIREMENTS:

The requirements of this section are not applicable to wetlands or waters of the U.S. that, in either case, are below the threshold size limitations for mitigation requirements under the COE 404 permit program.

A. Buffers shall be identified on development plans for all areas defined as waters of the U.S. Buffer areas are divided into two (2) types, linear buffers and water body buffers:

1. Buffer areas including the protected waters of the U.S. shall be shown to be within appropriate easements on all new plats. Additionally, the maintenance requirements for the buffer shall be noted on the plat or included as a covenant running with the land in any deed which conveys any portion of a buffer area.

2. Buffer widths required as a part of a COE permit supersede the widths required in this section, unless the width required herein is greater. If a COE permit is obtained to permanently fill a portion of a wetland and no buffer is required, the buffer width required by this section 8-4-5 immediately adjacent to the area of impact does not apply. Immediately adjacent refers to the area within fifteen feet (15') of the area of impact. In no case shall additional wetland area be filled to provide buffer required by this section 8-4-5.

3. Jurisdictional waters of the U.S. or wetlands may not constitute a buffer. Buffer widths are to be twenty five feet (25') unless otherwise determined using the criteria specified below. Buffer width averaging is acceptable at the discretion of the administrator. When using buffer width averaging, the width may not be more than twenty percent (20%) less, at the narrowest point, than the specified width. The buffer width may never be less than fifteen feet (15'), except in the case of waters of the U.S. or wetlands with a calculated FQI of less than 7 where the buffer at its narrowest point may not be less than twelve feet (12') in width.

a. Linear buffers shall be designated along waters of the U.S. and wetlands associated with watercourses, i.e., swales, creeks, streams, rivers, etc. Refer to subsection A3b of this section in cases where wetlands are adjacent to and not part of the main channel, i.e., floodplain wetland, backwater slough, oxbow, bordering wetland complex.

(1) When the linear waters of the U.S. have a drainage area greater than six hundred forty (640) acres, measured at the downstream property line, or is designated as ADID because of high habitat value or an adjacent wetland has a calculated FQI greater than 16, the buffer shall be fifty feet (50').

(2) When the linear waters of the U.S. have a drainage area less than six hundred forty (640) acres, measured at the downstream property line, the buffer width shall be determined utilizing the formula,

$$X = (A \cdot 0.0547) + 15$$

Where X equals the buffer width in feet and A equals the drainage area in acres

The width calculated by this formula shall be rounded up to the nearest multiple of 5.

(3) If protective measures are installed along the perimeter of a buffer, the width may be reduced by up to ten percent (10%) immediately adjacent to the protective measure. The reduction in width that may be applied due to installation of protective measures may not be applied where buffer width averaging has been used and the buffer would be more than twenty percent (20%) less than originally specified. Protective measures

may consist of fencing, sediment basins, biological filter strips or other methods approved by the administrator.

(4) If linear waters of the U.S. are completely or partially relocated, the newly created portion must be constructed in a manner which will allow naturalizing to occur, for example, meandering, pools, riffles and the like. Additionally, all disturbed areas must be replanted for stability with native vegetation where appropriate, appropriately managed and maintained and protected by an appropriately sized buffer.

b. Water body buffers shall encompass nonlinear bodies of water meeting the definition of the "waters of the U.S.", including wetlands.

(1) If protective measures are installed along the perimeter of a buffer, the width may be reduced by up to ten percent (10%) immediately adjacent to the protective measure. The reduction in width that may be applied due to installation of protective measures may not be applied where buffer width averaging has been used and the buffer would be more than twenty percent (20%) less than originally specified. Protective measures may consist of fencing, sediment basins, biological filter strips or other methods approved by the administrator.

(2) For all nonlinear water bodies or waters of the U.S. designated as ADID or wetlands with an FQI greater than 16, a minimum buffer width must be established in accordance with the table, "High Quality Wetlands - FQI > 16", of this section

(3) For non-ADID wetlands with an FQI of 7 to 16, a minimum buffer width must be established in accordance with the table, "Medium Quality Wetlands - 7 < FQI < 16", of this section.

(4) For non-ADID wetlands with an FQI of less than 7 a minimum buffer width must be established in accordance with the table, "Low Quality Wetlands - FQI < 7", of this section.

B. Buffers shall be replanted or reseeded using appropriate predominately native deep rooted vegetation, appropriately managed and maintained following disturbance. Native plantings shall follow the requirements set forth in section 8-9-14, "Stormwater Basin Landscaping", of this title.

C. The buffer area for all linear and nonlinear waters of the U.S. except wetlands shall extend from the jurisdictional limits of the waters of the U.S. ordinary high water mark. The buffer area for wetlands shall extend from the edge of the approved delineated wetland boundary. A site may contain a buffer that originates from waters of the U.S. or wetland located on another property.

D. Constructed stormwater management features shall not require a buffer and may constitute as a buffer. The total width of the buffer required may not be reduced by the installation of a stormwater management facility unless the facility can be considered a protective measure. If the facility can be considered to be a protective measure then the width of the buffer may be reduced as specified in the table, "Medium Quality Wetlands - 7 < FQI < 16", of this section.

E. If a buffer area is disturbed by permitted activities during construction, the buffer strip shall be stabilized in accordance with subsection B of this section.

F. Access through buffer areas shall be allowed when necessary for maintenance purposes only. Unless otherwise dedicated for a public purpose, buffer areas shall remain private property and are not generally accessible to the public.

G. Unrestrained stormwater which has not passed through a site runoff storage facility shall discharge through an area or structure meeting the definition of best management practices or buffer before entering jurisdictional waters of the U.S. or wetland.

1. All buffer areas once established shall be maintained free from development, except as described below:

a. A buffer area may be used for passive recreation (e.g., birdwatching, walking, jogging, bicycling, horseback riding and picnicking) and it may contain pedestrian, bicycle or equestrian trails provided that the created path is no wider than ten feet (10'). Paths leading to a wetland, must be winding to help prevent erosion.

b. Utility maintenance, maintenance of drainage facilities and drainage easements shall be allowed provided the maintenance activity meets all other federal, state and local regulations.

c. Anchoring and placement of boat docks and piers shall be allowed provided the structure meets all other federal, state and local regulations.

H. Buffer width calculation tables:

HIGH QUALITY WETLANDS - FQI > 16

Buffer Ratio	Wetland Area (Acres)	Buffer Area (Acres)	Buffer Width (Feet)
0.5	0.25	0.125	15.0
0.5	0.5	0.25	20.0
0.5	0.75	0.375	25.0
0.5	1.0	0.5	30.0
0.5	1.25	0.625	30.0
0.5	1.5	0.75	35.0
0.5	1.75	0.875	35.0
0.5	2.0	1.0	40.0
0.5	2.25	1.125	40.0
0.5	2.5	1.25	45.0
0.5	2.75	1.375	45.0
0.5	3.0	1.5	50.0
0.5	3.25	1.625	50.0
0.5	3.5	1.75	50.0
0.5	3.75	1.875	50.0
0.5	4.0	2.0	50.0

0.5	4.25	2.125	50.0
0.5	4.5	2.25	50.0
0.5	4.75	2.375	50.0
0.5	5.0 or more	2.5	50.0

Buffer ratio	=	% of total wetland area	
Wetland area	=	Total on and off site area of the wetland	
Buffer area	=	Wetland area x Buffer ratio	
Buffer width	=	$\frac{\text{Buffer area} \times 43,560}{4}$	\div $\frac{\text{Wetland area} \times 43,560}{4}$

MEDIUM QUALITY WETLANDS - 7 < FQI < 16

Buffer Ratio	Wetland Area (Acres)	Buffer Area (Acres)	Buffer Width (Feet)
0.4	0.25	0.1	15.0
0.4	0.5	0.2	15.0
0.4	0.75	0.3	20.0
0.4	1.0	0.4	25.0
0.4	1.25	0.5	25.0
0.4	1.5	0.6	30.0
0.4	1.75	0.7	30.0
0.4	2.0	0.8	30.0
0.4	2.25	0.9	35.0
0.4	2.5	1.0	35.0
0.4	2.75	1.1	35.0
0.4	3.0	1.2	40.0
0.4	3.25	1.3	40.0
0.4	3.5	1.4	40.0
0.4	3.75	1.5	45.0
0.4	4.0	1.6	45.0
0.4	4.25	1.7	45.0
0.4	4.5	1.8	45.0
0.4	4.75	1.9	50.0
0.4	5.0 or more	2.0	50.0

Buffer ratio	=	% of total wetland area	
Wetland area	=	Total on and off site area of the wetland	
Buffer area	=	Wetland area x Buffer ratio	
Buffer width	=	$\frac{\text{Buffer area} \times 43,560}{4}$	\div $\frac{\text{Wetland area} \times 43,560}{4}$

LOW QUALITY WETLANDS - FQI < 7

Buffer Ratio	Wetland Area (Acres)	Buffer Area (Acres)	Buffer Width (Feet)
0.3	0.25	0.075	15.0
0.3	0.5	0.15	15.0
0.3	0.75	0.225	15.0
0.3	1.0	0.3	20.0
0.3	1.25	0.375	20.0
0.3	1.5	0.45	20.0
0.3	1.75	0.525	25.0
0.3	2.0	0.6	25.0
0.3	2.25	0.675	25.0

0.3	2.5	0.75	25.0
0.3	2.75	0.825	30.0
0.3	3.0	0.9	30.0
0.3	3.25	0.975	30.0
0.3	3.5	1.05	30.0
0.3	3.75	1.125	35.0
0.3	4.0	1.2	35.0
0.3	4.25	1.275	35.0
0.3	4.5	1.35	35.0
0.3	4.75	1.425	35.0
0.3	5.0	1.5	35.0

Buffer ratio	=	% of total wetland area		
Wetland area	=	Total on and off site area of the wetland		
Buffer area	=	Wetland area x Buffer ratio		
Buffer width	=	$\frac{\text{Buffer area} \times 43,560}{4}$	÷	$\frac{\text{Wetland area} \times 43,560}{4}$

(Ord. 2016-003, 3-8-2016)

8-4-5-10-16: WETLAND IMPACTS AND MITIGATION:

All developments having a wetland impact shall comply with this section. A permit for any wetland impact shall be obtained from the county administrator. (Ord. 2016-003, 3-8-2016)

8-4-5-10-17: IMMITIGABLE WETLANDS; EXCEPTIONS:

A. Wetlands identified as having a flora quality index (FQI) greater than or equal to 25 shall not be filled or dredged as part of any development. The FQI shall be based solely on the wetland vegetation. Buffers and adjacent plant communities shall not be included in the calculation.

B. If the application of this section would: 1) have the effect of depriving the owner of all economically beneficial or productive use of the land; or 2) make the construction or installation of an essential public improvement by a public entity impossible or highly impractical the applicant may apply for a variance from the requirements of this section under section 8-4-5-15 of this chapter. If such variance is granted mitigation for the wetland impact allowed shall be made according to subsections 8-4-5-10-19A and E of this chapter. (Ord. 2016-003, 3-8-2016)

8-4-5-10-18: MITIGATION REQUIRED:

All mitigable wetland impacts shall be mitigated as required under the COE 404 permit program. (Ord. 2016-003, 3-8-2016)

8-4-5-10-19: MITIGATION REQUIREMENTS:

A. For all mitigable wetland impacts:

1. Mitigation may be made within a wetland mitigation facility;
2. Mitigation may be made by the purchase of credits from a wetland mitigation bank; and
3. Mitigation may be made by the payment of a fee in lieu of mitigation under section 8-4-5-19-3 of this chapter.

B. Wetland impacts upon wetlands with an FQI of 7 or more but less than 16 shall be mitigated at a ratio of two to one (2:1).

C. Wetland impacts upon wetlands with an FQI of 16 or more but less than 25 shall be mitigated at a ratio of three to one (3:1).

D. Wetland impacts upon wetlands with an FQI of more than 25 shall be mitigated at a minimum ratio of ten to one (10:1) plus one-half (1/2) for each point by which the FQI exceeds 25 rounded up to the nearest whole number.

E. Wetland impacts upon wetlands that are inhabited by a threatened or endangered species shall be mitigated at a ratio of three to one (3:1).

F. Mitigation for wetland impacts upon more than one wetland within a site shall meet the standards applicable to each individual wetland that is impacted.

G. FQI assessments made before June 1 or after October 15 shall be considered to be preliminary. Mitigation requirements based upon such preliminary assessments shall not be considered to be final until a proper final FQI assessment is made, unless an FQI of at least 16 is applied to the mitigation. Preliminary FQI assessments that exceed 16 will require final FQI assessments.

H. The applicant may propose an alternative mitigation plan combining wetland creation, purchase of credits from a wetland mitigation bank, payment of a fee in lieu of wetland mitigation and/or enhancing existing wetlands either on site or off site. The administrator shall determine if a proposed alternative mitigation plan meets the requirements of this section and their decision shall be final. (Ord. 2016-003, 3-8-2016)

8-4-5-10-20: WETLAND MITIGATION PLAN:

A. In addition to the requirements of section 8-4-5-11 of this chapter, if wetland mitigation is required a wetland mitigation plan shall be submitted and contain the following information:

1. A narrative of the proposed plan including a description of the proposed hydrologic regime, soils and site geomorphology, where applicable;
2. Drawings depicting each wetland impacted and each wetland mitigation facility together with an individual listing contained in a summary table;
3. Specifications for rough and final grading, soil types, soil placement, plant procurement, water control structures, and a planting plan that lists the plant materials by scientific and common name, seeding rate or spacing distance and special planting provisions; and
4. Maintenance and monitoring provisions including an annual work schedule describing each task in detail and time of year when it will be

performed.

B. The wetland mitigation plan shall be designed such that the following information is provided:

1. Every wetland mitigation facility shall contain at least two (2) wetland plant communities (for example, wet prairie, emergent, submergent, floating vascular, forested wetland, sedge meadow, or hemimarsch); and

2. Open water shall not constitute more than twenty percent (20%) of the entire wetland mitigation facility except for hemimarsches. (Ord. 2016-003, 3-8-2016)

8-4-5-10-21: BUFFER REQUIREMENTS FOR WETLAND MITIGATION FACILITIES:

Wetland mitigation facilities shall be buffered according to the requirements of section 8-4-5-10-15 of this chapter. Reductions are allowed in accordance with that section. No buffer is required for that portion of a wetland mitigation facility which is adjacent to an existing preserved wetland. (Ord. 2016-003, 3-8-2016)

8-4-5-10-22: WETLAND MITIGATION PERFORMANCE STANDARDS:

A. All wetland mitigation facilities shall meet the following performance standards:

1. They shall meet the definition of a "wetland" under this section 8-4-5;
2. All vegetated zones within any wetland mitigation facility shall achieve eighty five percent (85%) cover;
3. The emergent community shall achieve sixty percent (60%) aerial coverage;
4. The floating vascular community shall meet twenty five percent (25%) aerial coverage; and
5. Open water shall have zero percent (0%) vegetative coverage.

B. A wetland mitigation facility designed to mitigate for impacts upon wetlands with a FQI of less than 7 shall achieve a minimum FQI three (3) points greater than the FQI of the wetland impacted within the five (5) year monitoring period.

C. A wetland mitigation facility designed to mitigate for impacts upon wetlands with an FQI of 7 or more but less than 25 shall achieve a minimum FQI five (5) points greater than the FQI of the wetland impacted within the five (5) year monitoring period. (Ord. 2016-003, 3-8-2016)

8-4-5-10-23: MITIGATION MONITORING:

The wetland mitigation facility shall be monitored and managed for five (5) years beginning on the day the wetland planting is completed. The procedures for monitoring wetland mitigation facilities shall be those set forth in current Chicago district COE. An annual report shall be filed by the developer by February 15 of each year for every wetland mitigation facility under permit. Once a wetland mitigation facility reaches its required FQI and meets the performance standards of section 8-4-5-10-22 of this chapter, a request for the release of the performance security may be made to the administrator. A release of the performance security may be requested of the administrator as early as the end of the third full growing season. At the end of the five (5) year monitoring and management period, or upon acceptance by the administrator, the wetland mitigation facility shall be maintained in accordance with section 8-4-5-12 of this chapter. (Ord. 2016-003, 3-8-2016)

8-4-5-10-24: MITIGATION REQUIRED FOR NONPERFORMING WETLAND:

At the end of the five (5) year monitoring period or upon an earlier request for the release of the performance security, the administrator shall evaluate the wetland mitigation facility for compliance with the performance standards of section 8-4-5-10-22 of this chapter. If the administrator determines that the facility meets the standards they shall release the performance security. If the administrator determines that the facility does not meet the standards they shall make an estimate of the probable cost of mitigating for the shortfall in performance. The administrator shall then draw on the performance security the amount estimated to mitigate the shortfall in performance and shall release the remainder. The amount withheld for mitigation shall be deposited in the fund created under and expanded in the manner described in section 8-4-5-19-3 of this chapter. (Ord. 2016-003, 3-8-2016)

8-4-5-10-25: DENIAL OF PERMIT; APPEAL:

The denial of permit under this section may be appealed in the manner described in section 8-4-5-11-11 of this chapter. (Ord. 2016-003, 3-8-2016)

8-4-5-11: REQUIRED SUBMITTALS FOR STORMWATER MANAGEMENT PERMITS:

A. General Requirements:

1. Permit Requirements: A stormwater management permit is required if:

- a. The development is located in the regulatory floodplain;
- b. A substantial improvement is to be located in the regulatory floodplain;
- c. There is any regulatory floodplain within the site; or
- d. The development disturbs more than five thousand (5,000) square feet of ground or two hundred fifty (250) cubic yards of soil, unless the development consists solely of:

(1) The installation, renovation or replacement of a septic system, potable water service line or other utility serving an existing structure;

(2) The maintenance, repair or at grade replacement of existing lawn areas not otherwise requiring a stormwater permit under this section 8-4-5;

(3) The maintenance of an existing stormwater facility, not requiring other state or federal permits or approvals.

2. Approvals: All appropriate stormwater management related approvals and permits, including, without limitation, an IDNR-OWR floodway/floodplain construction permit, a COE 404 permit and an IDNR-OWR dam safety permit, if required, shall be obtained from all federal, state and regional authorities prior to the issuance of a stormwater management permit.

3. Permit Fees: All permit fees shall be paid at the time of application. Permit fees shall be established by separate ordinance. Fees may be established based upon all costs incurred by the permitting authority in the administration of the permit, including, without limitation, the costs of review and inspections both during and after construction within the period for the establishment of permanent cover.

4. Stormwater Facilities: A topographical map of the site, record drawings and other required drawings shall be prepared, signed and sealed by a professional land surveyor or professional engineer and referenced to the NAVD-88 and shall include the following documentation:

a. The design of stormwater facilities, calculations for the determination of the regulatory floodplain and calculations of the impacts of development shall meet the standards of this section 8-4-5 and shall be prepared, signed and sealed by a professional engineer. The signature and

seal of such professional engineer shall stand as their opinion that the submittals which accompany the permit application meet the requirements of this section 8-4-5.

b. Differential water pressure for the stormwater management project shall conform to IDNR-OWR part 3702 construction and maintenance of dams for classification and permitting.

5. Development Permit Requirements: No person, firm, corporation, or governmental body not exempted by law shall commence any development in the floodplain without first obtaining a development permit from the applicable government official. The applicable government official shall not issue or allow for the issuance of a development permit if the proposed development does not meet the requirements of this section 8-4-5.

a. The application for a development permit shall be accompanied by:

- (1) Drawings of the site, drawn to scale showing property line dimensions;
- (2) Existing grade elevations and all changes in grade resulting from excavation or filling;
- (3) The location and dimensions of all buildings and additions to the buildings;
- (4) The elevation of the lowest floor (including basement) of all proposed buildings subject to the requirements of this section 8-4-5; and
- (5) Cost of project or improvements as estimated by a licensed engineer or architect registered in the state of Illinois. A signed estimate by a contractor may also meet this requirement.

b. Upon receipt of an application for a development permit, the applicable government official shall compare the elevation of the site to the base flood elevation. Any development located on land that is shown by survey elevation to be below the current base flood elevation is subject to the provisions of this section 8-4-5. In addition, any development located on land shown to be below the base flood elevation and hydraulically connected to a flood course, but not identified as floodplain on the current flood insurance rate map, is subject to the provisions of this section 8-4-5. Any development located on land that can be shown by survey data to be higher than the current base flood elevation and which has not been filed after the date of the site's first flood insurance rate map is not in the floodplain and therefore not subject to the provisions of this section 8-4-5.

The applicable government official shall maintain documentation of the existing ground elevation at the development site and certification that this ground elevation existed prior to the date of the site's first flood insurance rate map identification. The applicable government official shall be responsible for obtaining from the applicant copies of all other federal, state, and local permits, approvals or permit not required letters that may be required for this type of activity. The applicable government official shall not issue a permit unless all other federal, state, and local permits have been obtained. (Ord. 2016-003, 3-8-2016)

8-4-5-11-1: DURATION AND REVISION OF PERMITS:

A. Permits expire on December 31 of the third year following the date of the original issuance date.

B. If a permitted project has achieved start of construction but is not complete by the expiration date of the permit, the permittee may submit in writing a request for an extension to the administrator. Upon receipt of such request, the administrator may extend the expiration date for a maximum of three (3) years for permitted activities that are outside of the special management areas. Expiration dates for permitted activities within the special management areas may also be extended for a maximum of three (3) years if the activity is in compliance with the current requirements of this section 8-4-5.

C. If a permitted project has not achieved start of construction within one year of the date of the permit then the development shall comply with any new floodplain management regulations, including updated FIRM, FIS and LOMR that took effect after the date the permit was issued.

D. If a permitted project has not achieved start of construction by the expiration date of the permit then the permit is expired and cannot be extended.

E. If the permittee revises the approved plans after issuance of the permit, the permittee shall submit the revised plans to the administrator, along with a written request for approval. If the administrator determines that the revised plans are in compliance with the current requirements of this section 8-4-5 an amended permit may be issued. (Ord. 2016-003, 3-8-2016)

8-4-5-11-2: REQUIRED SUBMITTALS:

The administrator may at their discretion, modify the submittal requirements on a case by case basis considering the size, complexity and likelihood that the development will affect the discharge of stormwater. Such modifications shall be requested and approved in writing. The administrator's response shall note the relevant findings and specify what additional submittal requirements are needed. The administrator may not modify submittal requirements for any aspect of the development requiring state or federal permits or approvals, nor for any application in which any variance is requested. The administrator shall receive a copy of any wetland submittal under section 8-4-5-11-7 of this chapter whether or not the county is the permitting authority. The administrator shall be copied on all related correspondence. (Ord. 2016-003, 3-8-2016)

8-4-5-11-3: APPLICATION AND PROJECT OVERVIEW:

A. The applicant shall at a minimum, provide the following information on forms or in a format approved by the administrator:

1. The names and legal addresses of all owners of the site;
2. The names and legal addresses of the developer or developers responsible for completing the development according to the plans submitted, the terms and conditions of the permit and the requirements of this section 8-4-5;
3. The common address, legal description and parcel identification number (PIN) of all parcels which comprise the site;
4. The name of the project, area of the site in acres and type of development;
5. A general narrative description of the development, existing and proposed conditions and project planning principles considered, including best management practices used;
6. Copies of all other permits or permit applications as required; and
7. An engineer's estimate of probable construction cost of the stormwater facilities and the installation and maintenance of soil erosion and sediment control measures.

B. The application shall be signed by all owners and developers identified in subsections A1 and A2 of this section and shall contain their attestation that they have read and understand the provisions of this section 8-4-5 and agree to bind themselves to the permitting authority to comply therewith. If at any time prior to completion, final inspection and approval of the development the identity of the persons required to be disclosed in subsections A1 and A2 of this section changes, an amended application containing the current information shall be filed and the permit

shall be amended accordingly. (Ord. 2016-003, 3-8-2016)

8-4-5-11-4: PLAN SET SUBMITTAL:

All applicants for a stormwater permit shall provide the following basic plan exhibits. Each exhibit may be no more than one drawing for clarity. The specific information to be included on each exhibit shall be as noted below:

- A. Elevation Reference: All elevations shall be referenced to NAVD-88.
- B. Site Topographical Map:
 1. Map scales as one inch equals fifty feet (1" = 50') (or less) and accurate to ± 0.5 feet;
 2. Existing and proposed contours on site (1 foot maximum contour interval) and within one hundred feet (100') of the site;
 3. Existing and proposed drainage patterns and watershed boundaries;
 4. Delineation of predevelopment regulatory floodplain and floodway limits;
 5. Delineation of postdevelopment regulatory floodplain and floodway limits;
 6. Location of cross sections and any other hydrologic or hydraulic computer modeled features;
 7. Location of all on site drain tiles;
 8. Boundaries of all wetlands, lakes, ponds, etc., with normal water elevation noted (show all areas of wetlands to be impacted regardless under permit or if a permit is not required);
 9. Location of all existing buildings and those to remain on the site noted;
 10. Nearest base flood elevations;
 11. FEMA and/or reference bench marks used; and
 12. All contours used in the calculation of depressional storage highlighted.
- C. General Plan View Drawing:
 1. Drawing at the same scale as the site topographical map (see subsection B of this section);
 2. Existing major and minor stormwater systems;
 3. Proposed major and minor stormwater systems;
 4. Design details for stormwater facilities (i.e., structure and outlet work detail drawings, etc.);
 5. Scheduled maintenance program for permanent stormwater facilities including BMPs;
 6. Planned maintenance tasks and schedule for those tasks;
 7. Identification of persons who will be responsible for maintenance;
 8. Permanent government access maintenance easements granted or dedicated to, and accepted by, a government entity;
 9. Proposed regulatory floodplain and floodway location (with the base flood and flood protection elevations noted);
 10. Existing waters of the U.S. including wetlands, a certified wetland determination obtained from NRCS if the development occurs on agricultural land, wetlands and aquatic resources identified in ADID, and required buffers.
 11. Directly connected impervious areas and any offsetting landscaped areas;
 12. All plan areas at elevations below the 100-year high water elevation of site runoff storage facilities highlighted; and
 13. Where a critical facility is proposed, the plan shall include the limits of the 500-year floodplain.
- D. Sediment And Erosion Control Plan:
 1. Drawings at the same scale as the site topographical map (see subsection B of this section).
 2. Sediment and erosion control installation measures and schedule.
 3. Existing and proposed roadways, structures, parking lots, driveways, sidewalks and other impervious surfaces.
 4. Limits of clearing and grading.
 5. Special management areas located.
 6. Proposed buffer locations, existing soil types, vegetation and land cover conditions.
 7. List of maintenance tasks and schedule for sediment and erosion control measures.
 8. The name, address and phone number at which the person responsible for erosion and sediment control may be reached on a twenty four (24) hour basis.
 9. The expected 2-year and 10-year runoff rates from all off site areas draining into the site shall be identified on the plan.
 10. Methods for conveying flows through the site during construction shall be indicated. These methods shall include the temporary and permanent stabilization measures to be used to reduce velocity and erosion from flow through the construction zone.
- E. Vicinity Topographical Map:
 1. Vicinity topographical map identifying all off site areas draining to the development and downstream to the receiving intermittent or perennial stream (a 2 foot contour map is preferred at a scale readable by the reviewer but a USGS quadrangle map is acceptable);
 2. Watershed boundaries for areas draining to, through or from the development;

3. Soil types related to hydrologic soils group, vegetation and land cover affecting runoff upstream of the site for any area draining through the site;

4. Location of site within the major watershed(s); and

5. Show the overland flow path from the upstream end of the development to the receiving intermittent or perennial stream.

F. Wetland Mitigation Plan: Wetland mitigation plan, if applicable, in accordance with section 8-4-5-10-20 of this chapter. (Ord. 2016-003, 3-8-2016)

8-4-5-11-5: STORMWATER SUBMITTAL:

The stormwater submittal shall include a narrative discussion and calculations to support a finding by the qualified review specialist that the proposed development complies with the technical requirements of this section 8-4-5. The submittal shall consist at a minimum of the following material:

A. Narrative description of the existing and proposed site drainage patterns and conditions, including description of off site conditions which help to identify stormwater issues considered in the design;

B. Schedule for implementation of the site stormwater plan;

C. On site and off site runoff calculations which address the following:

1. Documentation of the procedures and assumptions used to calculate hydrologic and hydraulic conditions for sizing major and minor systems;

2. Cross section data for open channels;

3. Hydraulic grade line and water surface elevations under design flow conditions; and

4. Hydraulic grade line and water surface elevations under base flood flow conditions.

D. Site runoff storage calculations, which address the following:

1. Calculation of hydraulically connected impervious area and corresponding retention volume;

2. Documentation of the procedures and assumptions used to calculate hydrologic and hydraulic conditions for determining the allowable release rate;

3. Documentation of the procedures and assumptions used to calculate hydrologic and hydraulic conditions for determining the storage volume;

4. Elevation area storage data and calculations for site runoff storage; and

5. Elevation discharge data and calculations specifically related to the outlet control structure depicted in the plan exhibits. (Ord. 2016-003, 3-8-2016)

8-4-5-11-6: FLOODPLAIN SUBMITTAL:

The applicant shall obtain approval from IDNR-OWR and FEMA when required for all new base flood and floodway determinations or as required in section 8-4-5-10-4 of this chapter. Documentation supporting a finding by the qualified review specialist that the proposed development is in compliance with sections 8-4-5-10-3, 8-4-5-10-4, 8-4-5-10-5, 8-4-5-10-6, 8-4-5-10-7, 8-4-5-10-8, 8-4-5-10-9, 8-4-5-10-10, 8-4-5-10-11, 8-4-5-10-12, and 8-4-5-10-13 of this chapter shall be submitted with the application. At a minimum, the following material shall be submitted for approval with the application:

A. Regulatory floodplain boundary determination.

1. Provide source of flood profile information; and

2. Provide all hydrologic and hydraulic study information for site specific floodplain studies, unnumbered zone A area elevation determinations and floodplain map revisions.

B. Floodplain fill and compensatory storage calculations for below and above 10-year flood elevation up to the base flood elevation.

1. Tabular summary for below and above 10-year flood elevation of fill, compensatory storage and compensatory storage ratios provided in proposed plan; and

2. Cross sections used for the above calculations.

C. Floodproofing measures.

1. Narrative discussion of floodproofing measures including material specifications, calculations, design details and operation summary; and

2. Flood easements when required by this section 8-4-5.

D. Current statewide permits and such information that indicates that the development qualifies for the particular permits in question under the regulations established for such permit(s) by IDNR-OWR. (Ord. 2016-003, 3-8-2016)

8-4-5-11-7: WETLAND SUBMITTAL:

A. The applicant shall obtain a permit for all federally regulated activities involving waters of the U.S. from the appropriate federal authorities. The applicant shall obtain a permit from the county (or the certified community), for all developments having a wetland impact. The applicant shall indicate on the plans the location of any on site wetland mitigation required by a COE permit and, in narrative form, the location of all off site mitigation.

B. A wetland submittal in accordance with the detailed requirements of sections 8-4-5-10-3, 8-4-5-10-14, 8-4-5-10-15, 8-4-5-10-16, 8-4-5-10-17, 8-4-5-10-18 and 8-4-5-11-4 of this chapter shall be required. In general, the submittal will consist of the following material:

1. Wetland delineation report (COE format).

2. Calculation of required buffer (including the size and quality when calculated).

3. Wetland delineation plan, plan view drawing:

- a. All existing and proposed impacted or undisturbed on site wetlands;
 - b. Location of the buffers; and
 - c. Planting plan for buffers; and
 - d. Identify all required wetland management activities.
4. For all stream modifications, the following shall be submitted:
- a. A plan and profile of the existing and proposed channel; and
 - b. Supporting calculations for channel width, depth, sinuosity, riffle locations and similar features.
- C. If the development will have a wetland impact, the requirements of section 8-4-5-10-14 of this chapter shall be met. (Ord. 2016-003, 3-8-2016)

8-4-5-11-8: PERFORMANCE SECURITY:

Performance security in accordance with section 8-4-5-18 of this chapter shall be required prior to permit issuance. (Ord. 2016-003, 3-8-2016)

8-4-5-11-9: MAINTENANCE SCHEDULE AND FUNDING:

A completed maintenance schedule for the stormwater management facilities and special management areas in accordance with section 8-4-5-12 of this chapter shall be submitted along with identification of the persons responsible for maintenance and funding and backup funding sources for maintenance in accordance with section 8-4-5-12 of this chapter. (Ord. 2016-003, 3-8-2016)

8-4-5-11-10: RECORD DRAWINGS:

The permittee is required to submit record drawings of all permitted stormwater facilities. The record drawings shall be signed and sealed by a professional engineer who shall state that the project as constructed is substantially in conformance with the development as permitted. (Ord. 2016-003, 3-8-2016)

8-4-5-11-11: TERMS OF PERMIT/DENIAL AND APPEAL:

A. Within three (3) weeks after being served with the permit or notice that the permit has been denied, the applicant may appeal the terms or denial of the permit to the oversight committee. The appeals shall be made by filing a notice thereof with the oversight committee specifying the specific provisions appealed and the grounds therefor. The administrator shall conduct a hearing on the appeal not more than sixty (60) days after the filing of the notice of appeal. The hearing shall be de novo. Notice of the hearing shall be served upon the applicant, the administrator and upon all communities within the same watershed as the development to which the appeal relates. The hearing may be continued from time to time. The oversight committee may adopt rules for the taking of evidence and conduct of such hearings.

B. Within thirty (30) days of the conclusion of the hearing, the oversight committee shall decide whether to affirm or reverse, in whole or in part, the terms or denial of the permit. The decision of the oversight committee shall be in writing and shall include the specific findings and conclusions supporting its determination. A copy of this decision and the order shall be served upon all parties entitled to notice in accordance with section 8-4-5-16-7 of this chapter.

C. Within ten (10) days of being served with the order of the oversight committee, the applicant may (and if the denial of the permit or any of the terms thereof have been reversed, in whole or in part, by the oversight committee, the administrator shall), further appeal to the decision making authority. The decision making authority shall decide the appeal upon the record before the oversight committee. The decision making authority shall affirm the order of the oversight committee if it is supported by substantial evidence in the record. A copy of the decision and order of the decision making authority shall be served upon all parties entitled to notice in accordance with section 8-4-5-16-7 of this chapter.

D. Within ten (10) days of being served with the order of the decision making authority, the applicant may (and if the effect of the decision making authority's decision is that the denial of the permit or any of the terms thereof have been reversed, in whole or in part, the administrator shall), further appeal to the committee. The committee shall decide the appeal upon the record below. The committee shall decide the appeal within forty five (45) days of its receipt thereof. The committee shall affirm the order of the decision making authority if it is supported by substantial evidence in the record. A copy of the decision and order of the committee shall be served upon all parties entitled to notice in accordance with section 8-4-5-16-7 of this chapter.

E. From a final order of the committee, the applicant may appeal to the courts under the Illinois administrative review law. (Ord. 2016-003, 3-8-2016)

8-4-5-12: LONG TERM MAINTENANCE:

A. Ownership: The owner shall maintain that portion of a stormwater drainage system, including any special management areas, located within the owner's property. Stormwater drainage system's long term maintenance may be transferred to the following groups when approved by the administrator:

1. Dedicated or transferred to a permitting authority or other public entity; or
2. Conveyed and accepted by a homeowners' association or similar entity, where the association consists of the owners of the lots within that development.

B. Submittal:

1. The long term maintenance plan shall include the long term management plan, operation and maintenance of the stormwater management system and the entity that is responsible for the long term maintenance. The plan shall also include how this maintenance will be funded. All details of the plan shall be reviewed and approved by the administrator.

2. Private entities that are responsible for the installation, preservation and maintenance of a stormwater drainage system and special management area are required to have a funding mechanism to support this endeavor. As part of the permitting process, the administrator will approve the permit under the provisions of this section 8-4-5 when accompanied by an acceptable establishment of a special service area pursuant to 35 Illinois Compiled Statutes 200/27-5 et seq., either as the primary means of providing for the long term maintenance of the facilities or as a backup vehicle in the event the entity designated by the applicant as having this responsibility fails to carry out these duties. If the establishment of a special service area is required, the administrator shall make an estimate of the tax rate required to produce a tax to be levied upon all taxable property within the development that will be sufficient for the long term maintenance of the facilities and submit the same to the permitting authority which shall incorporate such rate into its enactment of the ordinances necessary for the establishment of the area. The ordinances to be enacted by the permitting authority shall be substantially in the form set forth in subsection 8-4-5-21D, "Appendix D; Sample Special Services Area Ordinances", of this chapter. The county administrator shall submit to the permitting authority on or before August 1 of each year the estimated amount of tax required to be levied upon all taxable property within the area for the next fiscal year for the continued maintenance of the stormwater drainage system. (Ord. 2016-003, 3-8-2016)

8-4-5-12-1: TRANSFER TO PERMITTING AUTHORITY OR OTHER PUBLIC ENTITY:

That portion of a stormwater drainage system or special management area that is dedicated or transferred to a permitting authority or public entity under the provisions of this section shall be provided with appropriate easements for ingress and egress for maintenance purposes. These easements shall be provided for the benefit of either the permitting authority or the public entity to which the responsibility has been transferred. These easements shall be shown on the final plat for the development and clear language shall be included on the plats for the purposes of the easements. (Ord. 2016-003, 3-8-2016)

8-4-5-12-2: TRANSFER TO HOMEOWNERS' OR SIMILAR ASSOCIATION:

Any portion of the stormwater drainage system or special management area that is transferred to a homeowner's association the following requirements and details shall be adhered to:

A. Appropriate easements for ingress and egress to the designated stormwater drainage system or special management area shall be granted. This dedicated easement needs to be shown on the approved final plat for the development.

B. The final plat or annexation agreement shall contain details that clearly state the responsibilities and obligations for the homeowners' association and its successors. These responsibilities shall be included within the homeowners' association covenant and a copy of these covenants shall be included with the final plat or annexation agreement. Any amendments to these details shall be updated with the authority having jurisdiction and the administrator.

C. The final plat shall contain language that allows the entry of personnel representing the permitting authority to inspect components of the storm drainage system or special management areas and if needed perform any maintenance required in this section if the association does not properly perform that maintenance. If maintenance is required a lien will be filed against the land for the cost of the required maintenance.

D. The association shall be duly incorporated and a copy of the certification of incorporation shall be recorded along with the bylaws for the association. If there are any modifications to either of these documents, updated documents shall be provided to the administrator.

E. The bylaws of the association shall at a minimum in regard to stormwater, contain:

1. A provision acknowledging and accepting the association's obligation to maintain those portions of the stormwater drainage system and special management areas conveyed or otherwise transferred to it under this section 8-4-5;

2. A mechanism for imposing an assessment upon the owners of the lots within the development that will fund the maintenance of the stormwater drainage system or special management area and the payment of all taxes levied thereon;

3. A provision adopting the plan of long term maintenance set forth in the application for a stormwater management permit, with approved amendments;

4. A provision identifying the officer of the association who will be responsible for overseeing that all of the obligations imposed upon the association are complied with;

5. A provision requiring the consent of the permitting authority when any amendments are made to the bylaws required by this section 8-4-5; and

6. A provision that requires the consent of the permitting authority to the dissolution of the association.

F. Any conveyance or other instrument of transfer delivered under this section 8-4-5-12 and any subsequent conveyance shall include a covenant affirmatively imposing upon the grantee the obligations, restrictions and provisions set forth in this section and the grantee's affirmative acceptance thereof. (Ord. 2016-003, 3-8-2016)

8-4-5-12-3: CONVEYANCE TO ONE OR MORE PERSONS:

The following actions shall be taken for that portion of the stormwater drainage system or special management areas that are to be conveyed to one or more persons under this section 8-4-5-12, then:

A. The approved final plat shall contain the appropriate ingress and egress easements and the appropriate maintenance for such easements shall be dedicated for the benefit of the permitting authority;

B. The approved final plat shall contain information and a legend that describe in detail the obligations of this section upon the grantee and its successors in interest as a covenant running with the land and incorporating by reference the plan of long term maintenance set forth in the application for stormwater management permit, with approved amendments;

C. The approved final plat shall include provisions for the permitting authority to perform necessary maintenance of the stormwater drainage system or special management area required if the responsible party fails to do so. If the permitting authority completes this work a lien will be placed against the property for the cost thereof;

D. The approved final plat shall include any conveyance delivered under this section 8-4-5-12 and any subsequent conveyance shall include a covenant affirmatively imposing upon the grantee the obligations, restrictions and provisions set forth in this section and the grantee's affirmative acceptance thereof. (Ord. 2016-003, 3-8-2016)

8-4-5-12-4: INCORPORATION OF MAINTENANCE OBLIGATIONS INTO THE STORMWATER MANAGEMENT PERMIT:

The provisions of this section shall be incorporated within the stormwater management permit through specific reference. The applicant's signature is acceptance of all provisions included within the document. The administrator shall request that the permit be recorded. (Ord. 2016-003, 3-8-2016)

8-4-5-13: ENFORCEMENT AND PENALTIES:

8-4-5-13-1: INSPECTION AND MAINTENANCE AUTHORITY:

In accordance with the authority that is granted in 55 Illinois Compiled Statutes 5/5-1104 and 5/5-1062, the county may upon thirty (30) days' notice to the owner or occupant, enter upon any lands or waters within the county for the purpose of inspecting and/or maintaining any stormwater facilities or causing the removal of any obstruction to an affected watercourse. (Ord. 2016-003, 3-8-2016)

8-4-5-13-2: REQUIRED INSPECTIONS:

Any development having a stormwater management permit may be periodically inspected by the administrator or authorized agent to ensure that the management plan has conformed to and is being maintained in accordance with this section 8-4-5 and the terms and conditions of the stormwater management permit. (Ord. 2016-003, 3-8-2016)

8-4-5-13-3: OFFENSES:

A. Any person who violates, disobeys, omits, neglects, refuses to comply with, or resists the enforcement of any provision of this section 8-4-5, or any requirement or condition contained within the stormwater management permit or in the case of a permit violation, fails to correct the violation after notice and reinspection, shall be considered in violation of this section 8-4-5.

B. Whenever the administrator determines that a permit violation exists, a notice shall be served to the owner and/or permittee of the property. The notice shall state specifically what the violation is and the section of the ordinance that was violated. A date shall be provided within the notice that states when an inspection will be made to confirm that the site was modified such that it is compliant. If there are any violations as stated in section 8-4-5-8 of this chapter, immediate action such as an inspection may be warranted. All notices shall be made to the owner and/or occupant of the property by certified mail. (Ord. 2016-003, 3-8-2016)

8-4-5-13-4: OFFENSES; PENALTIES AND REMEDIES:

A. The administrator may engage any one or more of the following remedies when enforcing this section 8-4-5 against a permit holder or violator of this section 8-4-5:

1. The administrator may impose a civil fine upon such person in an amount not less than fifty dollars (\$50.00) or more than five hundred dollars (\$500.00) for each offense. Each week (7 consecutive days) that a violation is permitted to exist shall constitute a separate offense. Other actions may be taken by law to prevent or to remedy any violation of this section 8-4-5 and these remedies shall be in addition to any other penalties.

2. The administrator may revoke any stormwater management permit issued to any party.

3. The administrator may issue a stop work order that would suspend any further work on the site. The stop work order shall be issued in writing and shall indicate the justification for the order being issued, and what action needs to take place to allow work to continue. A copy of the stop work order shall be posted at the site of the stormwater management area where the violation exists.

4. The administrator may require that the area impacted be fully restored to its original condition. In the case of a wetland impact the area's preexisting condition shall be determined by reference to a creditable wetland assessment performed within two (2) years of such impact.

5. The administrator may require the owner of property to apply for a permit for unpermitted work. If the unpermitted work has impacted a wetland, the FQI of the wetland shall be determined by the administrator or qualified agent and shall be submitted with a mitigation plan.

B. In order to enforce any of the remedies set forth in the preceding paragraph, the administrator may bring legal action or equitable action, including injunctive relief that may be deemed necessary. In any such action, in addition to any fine or other relief, the administrator may recover all costs and expenses, including any attorney fees that were incurred. (Ord. 2016-003, 3-8-2016)

8-4-5-14: GENERAL PROVISIONS:

8-4-5-14-1: SCOPE OF REGULATIONS:

This section applies to all development within the county and to all development within the corporate boundaries of any certified community including that under the control of any governmental entity, agency or authority, except as provided in section 8-4-5-14-7 of this chapter. Any person undertaking a development shall obtain a stormwater management permit from the permitting authority. Any person undertaking a development having a wetland impact shall obtain a permit from the responsible agent in a community certified under this section 8-4-5. Any certified community undertaking development in the regulatory floodway of a floodplain shall obtain a permit from IDNR-OWR if required prior to issuance of a stormwater management permit. All units of local government shall obtain stormwater management permits from the permitting authority within whose boundaries the development is located. (Ord. 2016-003, 3-8-2016)

8-4-5-14-2: EXEMPTIONS:

A. This section 8-4-5 does not apply to:

1. Development which has been completed before January 1, 2017;
2. Development which has been determined to be exempt by the committee; and
3. Wetland impacts occurring before the effective date hereof.

B. Structures classified as nonconforming structures, according to chapter 12 of this title, shall not be replaced or enlarged in any manner unless such replacement or enlargement conforms to the requirements of this section 8-4-5. (Ord. 2016-003, 3-8-2016)

8-4-5-14-3: COMMITTEE'S DETERMINATION OF EXEMPTION:

A. Before January 1, 2017, each community shall submit to the county administrator a list of proposed exempt developments prepared and adopted in accordance with section 8-4-5-14-4 of this chapter. At its next regularly scheduled meeting occurring not less than thirty (30) days after the county administrator's receipt of the list, the committee shall consider the developments listed in the exempt listing. Any member of the committee may remove from the list for further consideration any development located within the area represented by that member. Additionally, the committee, upon a passed motion by a simple majority, may remove any development from the list for further consideration. After such removals, the developments remaining on the list shall be determined to be exempt from the provisions of this section 8-4-5.

B. With respect to those developments removed from the list, the committee shall determine each development on a community's list to be exempt from the provisions of this section 8-4-5 if:

1. Substantial development has commenced; or
2. The stormwater plan for such development:
 - a. Provides site runoff storage which at a minimum meets a 0.15 cfs/acre release rate standard; and
 - b. Includes a designed conveyance system for flow rates up to the base flood for off site and on site flows without damage to structures; and
 - c. Provides for soil erosion and sediment control in accordance with the "Illinois Urban Manual". (Ord. 2016-003, 3-8-2016)

8-4-5-14-4: COMMUNITY'S LIST OF PROPOSED EXEMPT DEVELOPMENTS:

A. A community may place a development on the list of proposed exempt developments if:

1. The development meets the criteria for exemption listed in subsection 8-4-5-14-3B of this chapter;
2. A contractual agreement, specifically exempting the development from the stormwater regulations of the community, was entered into before January 1, 2017.

B. A community's list shall be submitted in accordance with subsection 8-4-5-14-3A of this chapter and should include a description of each development that is proposed exempt along with evidence that the development meets the criteria for exemption listed in subsection 8-4-5-14-3B of this chapter in order to facilitate the committee's determination.

C. Once a community's list of proposed exempt developments has been approved by the committee, the list shall be adopted by an official action of the corporate authorities of the community. Prior to taking such action, the community shall publish in accordance with section 8-4-5-16-8 of this chapter a notice in substantially the following form:

NOTICE OF PUBLIC HEARING

On (date), at (time), the (corporate authorities) of the (type of community) of (community) will consider and take formal action with respect to the approval of the following list of developments proposed as exempt from the provisions of the Grundy County Stormwater Management Ordinance, adopted by the Grundy County Board on _____. Any person wishing to do so, may attend the meeting and be heard prior to the (corporate authorities) taking such action.

(List of proposed exempt developments)

D. In addition to the published notice of the public hearing, not less than fifteen (15) days prior to taking any such action, the community shall place a sign in a conspicuous place at each of the developments on the list advising the public that the development is on the list proposed as exempt from the provisions of this section 8-4-5 and of the date and time of the meeting at which formal action with respect to the approval of the list will be taken and of the public's right to appear to be heard prior to such approval.

E. Once submitted, the list shall not be changed except that a developer of a development inadvertently omitted from the list by the community may apply directly to the committee for a determination that the development meets all of the requirements of this section for being exempt. (Ord. 2016-003, 3-8-2016)

8-4-5-14-5: INTERPRETATION:

A. This section 8-4-5 shall be construed to protect the health, welfare, safety, and the environment of the residents of the county and to effectuate the purposes of this section 8-4-5 and the enabling legislation.

B. Nothing in this section 8-4-5 shall be deemed to consent to, license, permit to locate, construct, or maintain any structure, site, facility or operation, or to carry on any trade, industry, occupation, or activity.

C. When provisions of this section 8-4-5 differ from any other applicable law, statute, ordinance, rule or regulation, the more stringent provision shall apply.

D. The provisions of this section 8-4-5 are cumulative of all other laws, statutes, ordinances, rules and regulations which relate to the subject matter hereof and, except as otherwise expressly provided herein, nothing in this section 8-4-5 shall be construed as a limitation upon the application or enforcement of any such law, statute, ordinance, rule or regulation. To the greatest extent possible, the provisions of this section 8-4-5 shall be construed to be consistent with the provisions of such other laws, statutes, ordinances, rules or regulations, and with each other, to the end that all such provisions may be given their fullest application. (Ord. 2016-003, 3-8-2016)

8-4-5-14-6: WARNING AND DISCLAIMER OF LIABILITY:

A. The degree of flood protection provided by this section 8-4-5 is considered reasonable for regulatory purposes and is based upon engineering experience and scientific methods of study. Increased flooding may result from causes beyond the control of any government authority. This section 8-4-5 does not, therefore, guarantee that areas outside the floodplain or permitted land uses within the floodplain will be free from flooding and associated damages.

B. Nothing in this section 8-4-5 shall be construed or applied in any manner to create liability on the part of or a cause of action against the county, any municipality or other government authority, or any elected official or any officer, agent, or employee of any of the foregoing, or any qualified engineer review specialist for any flood damage resulting from reliance on the provisions of this section 8-4-5. (Ord. 2016-003, 3-8-2016)

8-4-5-14-7: CHOICE OF PLANNING JURISDICTION:

Pursuant to 55 Illinois Compiled Statutes 5/5-1062.2(b) a community that is located in more than one county may choose, at the time of the formation of the committee and based upon watershed boundaries, to participate in the stormwater management planning program of either or both of the counties. Unless the municipality at the time of the formation of the committee has chosen to participate in the stormwater management planning program of another county, the committee shall include such municipality within the scope of its planning and enforcement jurisdiction. (Ord. 2016-003, 3-8-2016)

8-4-5-14-8: SEVERABILITY:

A. The provision of this action shall be severable in accordance with the following rules:

1. If any court of competent jurisdiction shall adjudge any provision of this section 8-4-5 to be invalid, such judgment shall not affect any other provision of this section.

2. If any court of competent jurisdiction shall adjudge to be invalid the application of any provision of this section 8-4-5 to a particular parcel or land, a particular structure, or a particular development, such judgment shall not affect the application of said provision to any other land, structure or development. (Ord. 2016-003, 3-8-2016)

8-4-5-14-9: REPEALER:

This section 8-4-5 repeals the original section or resolution which was adopted to meet the national flood insurance program. (Ord. 2016-003, 3-8-2016)

8-4-5-14-10: AMENDMENTS:

No amendments to this section 8-4-5 may be passed without a public hearing first being held before the committee upon notice published as provided in section 8-4-5-16-8 of this chapter. (Ord. 2016-003, 3-8-2016)

8-4-5-14-11: EFFECTIVE DATE:

After its passage, approval and publication according to law, this section 8-4-5 shall take effect on January 1, 2017. (Ord. 2016-003, 3-8-2016)

8-4-5-15: VARIANCES:

8-4-5-15-1: PURPOSE:

In order to provide an avenue to allow relief from strict compliance with the requirements of this section 8-4-5 where it is deemed impractical to achieve that compliance, variances from specific provisions of this section 8-4-5 may be granted by the administrator according to the standards set forth in this section. (Ord. 2016-003, 3-8-2016)

8-4-5-15-2: APPLICATION FOR VARIANCE:

A. An application needs to be completed by the petitioner, with respect to the development to which it relates. This application shall be provided to the administrator. No application for a variance will be accepted for filing unless it relates to a previously filed application for a stormwater management permit. The number of application submittal packages is decided by the administrator of this section 8-4-5. Upon request, the administrator shall provide complete variance submittal packages to the county administrator and to the communities that are directly affected for their review. Applications shall provide the following information:

1. The common address(es) and legal description of the development site;

2. All pertinent information about the petitioners;
3. The names, addresses, and phone numbers of all consultants retained in connection with the application for a variance;
4. The names and addresses of owners of record of land within five hundred feet (500') of the property line of the site;
5. The specific feature or features of the development that the variance is being sought;
6. The specific provisions of this section 8-4-5 from which a variance is requested and the hardship of compliance to this section 8-4-5;
7. A statement of the characteristics of the development that prevent compliance with the provisions of this section 8-4-5; and
8. A statement that the variance requested is the minimum variance necessary to permit the development;
9. A statement as to how the variance requested satisfies the standards set forth in section 8-4-5-15-5 of this chapter. (Ord. 2016-003, 3-8-2016)

8-4-5-15-3: APPLICATION FEE:

With the filing of the application for a variance, the applicant shall pay a fee in accordance with the prescribed ordinance as adopted by the certified community and the county. (Ord. 2016-003, 3-8-2016)

8-4-5-15-4: PUBLIC HEARING:

The following steps need to be followed prior to the public hearing process:

- A. The application shall be complete and been satisfactorily reviewed by the administrator; and
- B. The administrator shall notify the applicant of the schedule for the public hearing for the petition before the oversight committee;
- C. Notice of the public hearing shall be published by the applicant in accordance with section 8-4-5-16-8 of this chapter and served as provided in section 8-4-5-16-7 of this chapter upon all owners of record of land within five hundred feet (500') of the site as disclosed in the application and upon each community, and the drainage district within the same watershed as the development in question. The notices given under this section shall set forth the common name, address and legal description of the development and a brief description of the variance requested. (Ord. 2016-003, 3-8-2016)

8-4-5-15-5: GRANTING OF VARIANCES:

8-4-5-15-5-1: GRANTING OF VARIANCES (NOT INCLUDING GRANTING OF VARIANCES FROM FLOODPLAIN MANAGEMENT REGULATIONS):

This section pertains to all variances relating to this section 8-4-5, except variances from floodplain management regulations. The granting of floodplain management variances shall be according to section 8-4-5-15-5-2 of this chapter.

A. Variances from the provisions of this section 8-4-5 shall not be granted unless the variance is consistent with the purposes of this section 8-4-5 and meets the following standards based upon substantial evidence submitted at the hearing:

1. The variance shall not increase the probability of flood damage or create an additional threat to the public health, safety and welfare;
2. The variance is the minimum required considering each of the following statements of policy underlying this section 8-4-5 and there are no means other than the requested variance by which the demonstrated hardship can be avoided or remedied to a degree sufficient to permit the reasonable continuation of the development:
 - a. Site runoff storage of stormwater shall also contribute to the improvement of the quality of stormwater runoff;
 - b. The volume of site runoff storage provided in open air vegetated facilities is maximized consistent with other site constraints on land use, including zoning requirements essential for the proposed development;
 - c. Conveyance of stormwater shall not disproportionately absorb the design capacity of existing off site conveyance facilities for any storm event from the 2-year to the 100-year flood frequency; and
 - d. High quality natural areas shall be preserved on the site, including, without limitation, stands of native trees, existing wetlands, natural floodplain storage, or other valuable environmental and biological resources.
3. The variance is not requested solely for the purpose of increasing the residential density of the development nor impervious areas on the site;
4. The variance is not requested solely as a result of economic hardship;
5. If applicable, the variance is required due to unique, natural topographical features of the site; and
6. The applicant's circumstances are not self-imposed.

B. No variance shall be granted for any development in regulatory wetlands or critical wetlands, the effect of which would be to create regulations less restrictive than the federal or state minimum standards applicable to the development in such areas. (Ord. 2016-003, 3-8-2016)

8-4-5-15-5-2: GRANTING OF VARIANCES FROM FLOODPLAIN MANAGEMENT REGULATIONS:

This section pertains to variances from floodplain management regulations only. The granting of all other variances shall be according to section 8-4-5-15-5-1 of this chapter.

A. Variances from the floodplain management provisions of this section 8-4-5 shall not be granted unless the variance is consistent with the purposes of this section 8-4-5 and meets the following:

1. Variances shall only be issued upon:
 - a. A showing of good and sufficient cause;
 - b. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
2. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

3. The administrator shall notify the applicant in writing that:

- a. The issuance of a variance to construct a structure below the base flood level may result in increased premium rates for flood insurance;
- b. Such construction below the base flood level increases risks to life and property; and
- c. Such notification shall be maintained with a record of all variance actions as required in subsection A4 of this section.

4. The administrator shall maintain a record of all variance actions, including justification for their issuance.

5. Variances shall not be issued within any designated regulatory floodway if they would result in any increase to the BFE. (Ord. 2016-003, 3-8-2016)

8-4-5-15-6: RECOMMENDATIONS:

A. The administrator shall review the application for a variance and present a written recommendation to the oversight committee at the public hearing.

B. Not more than forty five (45) days after the close of the hearing, the administrator shall forward the application and recommendations to the decision making authority. The written recommendations from the administrator shall be accompanied by the written findings of fact with respect to each of the elements set forth in section 8-4-5-15-5 of this chapter with a listing of the evidence taken at the public hearing. If the administrator fails to act within forty five (45) days, it shall be deemed to have forwarded the application with no recommendation to the decision making authority. (Ord. 2016-003, 3-8-2016)

8-4-5-15-7: DECISION:

The decision making authority shall grant the variance as submitted, with modifications or conditions or deny the variance in its entirety. (Ord. 2016-003, 3-8-2016)

8-4-5-15-8: CONDITIONS:

A. A variance from the original petition submittal may be granted when the record supports the applicant's right to some relief.

B. When granting a variance, the decision making authority may impose such specific conditions and limitations on the applicant concerning any matter relating to the purposes and objectives of this section 8-4-5 as may be necessary or appropriate.

C. When a variance is granted that includes condition(s) required to be met by the applicant, the applicant shall file evidence with the administrator that the condition(s) have been met. (Ord. 2016-003, 3-8-2016)

8-4-5-16: ADMINISTRATION:

8-4-5-16-1: RESPONSIBILITY FOR ADMINISTRATION:

A. The committee shall oversee the enforcement of this section 8-4-5.

B. The administrator shall ensure that this code is administered. In performing their duties, the administrator may delegate routine responsibilities to any named designee.

C. Each certified community shall remain solely responsible for its standing in the national flood insurance program, including:

1. The maintenance of all records and submission of all reports required for eligibility in the program including all elevation certificates, floodproofing certificates, and lowest floor elevations; and

2. The notification of the county administrator and committee of any proposed amendment to this section 8-4-5. (Ord. 2016-003, 3-8-2016)

8-4-5-16-2: DUTIES OF THE CERTIFIED COMMUNITY AND COUNTY LAND USE DEPARTMENT:

The certified community and the county land use department shall be responsible for the general administration of this section 8-4-5 and ensure that all stormwater management development activities under the jurisdiction thereof meet the requirements of this section 8-4-5 specifically as listed below:

A. Process development permits in accordance with section 8-4-5-11 of this chapter;

B. Ensure that all development in a floodway (or a floodplain with no delineated floodway) meets the damage prevention requirements of section 8-4-5-10-3 of this chapter;

C. Ensure that the building protection requirements for all buildings subject to subsection 8-4-5-10-3C of this chapter, are met and maintain a record of the "as built" elevation of the lowest floor (including basement) or floodproof certificate;

D. Assure that all subdivisions and annexations meet the requirements of section 8-4-5-8 of this chapter;

E. If a variance is requested, ensure that the requirements of section 8-4-5-15 of this chapter are met and maintain documentation of any variances granted;

F. Provide for the inspection of all development projects and take any and all actions outlined in section 8-4-5-7 of this chapter as necessary to ensure compliance with this section 8-4-5;

G. Assure that applicants are aware of any and all other required local, state, and federal permits;

H. Notify IDNR/OWR and any neighboring communities prior to any alteration or relocation of a watercourse;

I. Provide information and assistance to citizens upon request about permit procedures and floodplain construction techniques;

J. Cooperate with state and federal floodplain management agencies to coordinate base flood data and to improve the administration of this section 8-4-5;

K. Maintains copies of all applications and submittals, federal and state permits, variance, CLOMR, LOMR, CLOMA, LOMA, and all documentation associated with any of the foregoing for public inspection;

L. Maintain for public inspection base flood data, floodplain maps, copies of state and federal permits, and documentation of compliance for development activities subject to this section 8-4-5;

M. Perform site inspections and make substantial damage determinations for structures within the floodplain;

N. Ensure that all development in a floodway (or a floodplain with no delineated floodway) meets the damage prevention requirements of subsection 8-4-5-10-3C of this chapter;

O. Maintains documentation and data on the cost of any improvement to a structure in the floodplain in order to enforce the provisions of this section 8-4-5 pertaining to the substantial improvements to such structures;

P. Upon receipt of an application for a development permit, the certified community or land use department shall compare the elevation of the site to the base flood elevation. Conversely, any development located on land shown to be below the base flood elevation and hydraulically connected, but not as shown on the current flood insurance rate map is subject to the provisions of this section 8-4-5. The land use department shall maintain documentation of this existing ground elevation prior to the date of the site's first flood insurance rate map identification; and

Q. Advises, consults and cooperates with other government agencies to promote the purposes of this section 8-4-5. (Ord. 2016-003, 3-8-2016)

8-4-5-16-3: DUTIES OF THE COUNTY ADMINISTRATOR AND ADMINISTRATOR:

A. The county administrator:

1. Supervises the enforcement of this section 8-4-5 by the certified communities, Grundy County land use department, and administrators;
2. Supervises the development, revision, and implementation of this section 8-4-5 by the committee and the county;
3. Acts as administrator for the review of permits for any community that requests such assistance, or designates such duties to a qualified individual or consultant;
4. Notifies all communities in the county, FEMA, and the IDNR-OWR of any amendments to this section 8-4-5; and
5. Administers wetland impacts and mitigation according to section 8-4-5-10-14 of this chapter except in certified communities under the regulations of this section 8-4-5.

B. The administrator:

1. Supervises the enforcement of this section 8-4-5 for individual projects;
2. Administers the qualified engineer review specialist and qualified wetland review specialist programs;
3. Maintains a current list of all regulatory maps that are enforced under this section 8-4-5;
4. Ensure that all required stormwater permits and approvals are achieved from agencies such as, but not limited to, federal, state, regional and county prior to an issuance of a stormwater permit;
5. Uses qualified engineer review specialist and qualified wetland review specialist for the review of permit applications and considers their recommendations in granting or denying any permit under this section 8-4-5, unless the review of the developer's qualified wetland review specialist indicates that there are no wetlands on site in which case the administrator may rely upon that review without having it independently verified;
6. Notifies adjacent communities in writing thirty (30) days prior to the issuance of a stormwater management permit involving the alteration or relocation of a watercourse; and
7. Ensures that all wetland impacts have been mitigated. (Ord. 2016-003, 3-8-2016)

8-4-5-16-4: REPRESENTATIVE CAPACITY:

In all cases when any action is taken by the administrator to enforce the provisions of this section 8-4-5, such action shall be taken either in the name of the county or the certified community, as the case may be, and neither the administrator, nor his or her designee, in so acting shall be rendered personally liable. (Ord. 2016-003, 3-8-2016)

8-4-5-16-5: OVERSIGHT COMMITTEE:

The corporate authorities of each certified community within the county shall oversee the implementation and enforcement of this section 8-4-5 within its jurisdiction. (Ord. 2016-003, 3-8-2016)

8-4-5-16-6: DECISION MAKING AUTHORITY:

The corporate authorities of each certified community within the county shall by separate resolution designate a decision making authority to perform the duties assigned to the decision making authority in this section 8-4-5. The decision making authority shall consist of the corporate authorities or any committee thereof, plan commission, zoning board of appeals, or other existing body, or the corporate authorities may, according to their own rules and procedures, establish a separate decision making authority. The county administrator shall act as the decision making authority for the county. The decision making authority, when considering an appeal or request for a variance under this section 8-4-5, may request an opinion of a qualified engineer, review specialist or qualified wetland review specialist on technical issues. (Ord. 2016-003, 3-8-2016)

8-4-5-16-7: SERVICE:

Unless otherwise provided herein, service of any notice or other instrument under this section 8-4-5 may be made upon any person by the following:

- A. By first class mail, postage prepaid, addressed to address then on file for such person, if any, or if none, to such person's last known address; or
- B. By any method prescribed under the Illinois code of civil procedure. (Ord. 2016-003, 3-8-2016)

8-4-5-16-8: PUBLICATION:

Unless otherwise provided herein, publication of any notice or other instrument under this section 8-4-5 shall be made by publishing such notice or other instrument once in a newspaper (and municipal or county website where possible) published within the community having jurisdiction over the matter to which the publication relates (or, if no newspaper is published within the community, then a newspaper published in the county and having a general circulation within the community), such publication being not less than fifteen (15) nor more than thirty (30) days before the public hearing or other event to which the publication relates. (Ord. 2016-003, 3-8-2016)

8-4-5-17: CERTIFIED COMMUNITY ENFORCEMENT:

Pursuant to 55 Illinois Compiled Statutes 5/5-1062.2: The county shall enforce all of the provisions of this section 8-4-5 within: a) the unincorporated areas of the county, b) within the limits of any county highway, county right of way or any highway or right of way upon which the county is constructing or causing to be constructed a highway improvement or appurtenance, c) in connection with the development of any site owned by the county, d) within any portion of an uncertified community that lies within the county, and e) pursuant to intergovernmental agreement within any portion of an uncertified community that lies outside the county, all except as provided in section 8-4-5-14-7 of this chapter. For purposes of this section the terms "highway" and "right of way" shall have the meanings ascribed to them under the Illinois highway code 1.

A. Unless such community has been certified under this section 8-4-5 to administer this section 8-4-5 before January 1, 2017, the county shall enforce the provisions of this section 8-4-5 within that portion of any certified community that lies within the county and pursuant to intergovernmental agreement, within that portion of any certified community that lies outside the county.

B. A community certified under this section shall enforce all of the provisions of this section 8-4-5 within the community for which it has received certification. (Ord. 2016-003, 3-8-2016)

Notes

1. 605 ILCS 5/1-101 et seq.

8-4-5-17-1: PETITION FOR CERTIFICATION AND WAIVER OF ENFORCEMENT:

Any community that wishes to enforce the provisions of this section 8-4-5 within its borders shall file a petition for certification and waiver of enforcement (petition for certification), on or before January 8, 2017. After January 8, 2017, petitions for certification may be filed during the month of June of each year. (Ord. 2016-003, 3-8-2016)

8-4-5-17-2: FILING AND CONTENTS OF PETITION FOR CERTIFICATION:

A petition for certification shall be filed with the county administrator. The petition need not be on any particular form but, at a minimum, shall set forth and be accompanied by the following:

- A. The agreement of the corporate authorities of the community to adopt, if certified, this section 8-4-5 by reference;
- B. The community's plan for the implementation and enforcement of this section 8-4-5, including proposed staffing;
- C. The agreement of the corporate authorities of the community to include in any new annexation agreement a provision requiring every other party to the agreement to affirmatively agree to comply with the provisions of this section 8-4-5, as amended from time to time;
- D. The agreement of the corporate authorities of the community that the community will follow the rules and procedures of the committee in any proceeding concerning its certification and be bound by the decision of the committee in granting or failing to grant, or suspending or revoking its certification and reasserting county jurisdiction over the enforcement of this section 8-4-5 within county boundaries of the community;
- E. If a portion of the community lies outside the county and the community has not requested, or if requested does not receive, certification to administer this section 8-4-5, the agreement of the corporate authorities of the community to enter into, if certified to administer the remaining provisions of this section 8-4-5, an intergovernmental agreement with the county providing for the county's enforcement within those portions of the community lying outside the county;
- F. Evidence of the community's ability to comply with the regulations of this section 8-4-5 pertaining to the use of qualified review specialists and qualified wetland review specialists; and
- G. The list of projects to which this section 8-4-5 or some portion of this section 8-4-5 do not apply in accordance with this section 8-4-5. (Ord. 2016-003, 3-8-2016)

8-4-5-17-3: COMMITTEE CONSIDERATION OF PETITION FOR CERTIFICATION:

The committee shall consider each properly filed petition for certification at a regular or special meeting called for such purpose not later than sixty (60) days after the filing of the petition. This meeting may be continued. The committee may adopt rules for the taking of evidence and conduct of such meetings. (Ord. 2016-003, 3-8-2016)

8-4-5-17-4: STANDARDS FOR CERTIFICATION:

Upon a finding of the committee that the community has complied with this section 8-4-5, that the community's plan for the implementation and enforcement of this section 8-4-5 is reasonably feasible, and that the community has demonstrated the ability to comply with this section 8-4-5-17, the committee shall grant the petition for certification. The committee's decision shall be made in writing, and shall specify the reasons for granting or denying the petition. (Ord. 2016-003, 3-8-2016)

8-4-5-17-5: CERTIFIED COMMUNITY RECORDS:

- A. Every certified community shall maintain adequate records of every stormwater management permit issued and every variance granted under this section 8-4-5 for development within its borders.
- B. Every certified community shall retain record drawings of all improvements made pursuant to a stormwater management permit issued or variance granted by such community.
- C. The records of each certified community maintained under this section 8-4-5 may be periodically inspected by the administrator.
- D. Upon request, such records shall be provided electronically in native source to the county administrator. (Ord. 2016-003, 3-8-2016)

8-4-5-17-6: COMMITTEE REVIEW OF ENFORCEMENT BY CERTIFIED COMMUNITY:

The committee may periodically review the implementation and enforcement of this section 8-4-5 by each certified community. (Ord. 2016-003, 3-8-2016)

8-4-5-17-7: INVESTIGATIONS; COMPLIANCE:

- A. The county administrator upon his own initiative or at the request of any person may conduct an investigation into a certified community's implementation and enforcement of this section 8-4-5. Such investigation may include, but is not limited to, an examination of all relevant records maintained by the community and field inspections of relevant developments, structures or stormwater facilities. If upon such investigation, the county administrator determines that the community has failed in some significant way, or has repeatedly failed, to implement or enforce this section 8-4-5, then they shall prepare a report of their findings along with a complaint for the suspension, revocation or partial revocation of the community's certification and file them with the committee. The complaint shall contain a short and plain statement describing how the certified community has failed in some significant way, or has repeatedly failed, to implement or enforce this section 8-4-5.
- B. Upon receipt of a written complaint, the committee shall serve a copy thereof along with a copy of the report of the administrator upon the community named therein in accordance with this section 8-4-5. A copy of the complaint and report shall also be served upon any person or organization who has requested an investigation of the community's enforcement of this section 8-4-5 by the county administrator within six (6) months immediately preceding the filing of the complaint. The community may file a written answer to the complaint within thirty (30) days after being served. (Ord. 2016-003, 3-8-2016)

8-4-5-17-8: HEARING ON COMPLAINT:

The committee shall conduct a hearing on the complaint not less than seventy five (75) nor more than one hundred twenty (120) days after service of the complaint upon the community. Notice of the hearing shall be served upon the community and all parties who received a copy of the complaint and published in accordance with section 8-4-5-16-8 of this chapter. The hearing may be continued. The committee may adopt rules for the taking of evidence and conduct of such hearings. (Ord. 2016-003, 3-8-2016)

8-4-5-17-9: COMMITTEE DECISION:

Within thirty (30) days of the conclusion of the hearing, the committee shall decide whether or not to suspend or to revoke in whole or in part the certification of the community. The decision of the committee shall be in writing and shall include the specific findings and conclusions supporting its determination. A copy of the decision and order shall be served upon the community and all parties which received a copy of the complaint in accordance with section 8-4-5-16-7 of this chapter. The decision of the committee to suspend or to revoke the certification of the community in whole or in part is final and may not be appealed to any court. During the time of the suspension, the county administrator shall assume responsibilities of the issuance of stormwater management permits. If the community's certification is suspended, the community shall automatically become recertified upon the expiration of the period of suspension. If the community's certification is revoked in whole or in part, the community may reapply for certification at or after such time as the committee shall specify in its order of revocation. (Ord. 2016-003, 3-8-2016)

8-4-5-18: PERFORMANCE SECURITY:

A. General Security Requirements:

1. To secure the performance of the developer's obligation to complete the construction of the stormwater facilities required by the stormwater management permit, and to pay all costs, fees and charges due under this section 8-4-5, and to fully comply with all of the provisions of this section 8-4-5, the applicant shall, prior to issuance of a stormwater management permit, complete the following:

- a. Post the security provided in section 8-4-5-18-1 of this chapter;
- b. Post the security provided in section 8-4-5-18-2 of this chapter if an erosion and sediment control plan is required under this section 8-4-5;
- c. Post the security provided in section 8-4-5-18-3 of this chapter if mitigation for a wetland impact is required under this section 8-4-5 and the applicant chooses to mitigate within a wetland mitigation facility; and
- d. Post a comprehensive security which includes the provisions for funds for stormwater management, erosion and sediment control, and wetland mitigation (where required by ordinance).

2. The applicant shall bear the full cost and responsibility of obtaining and maintaining the security required by this section. (Ord. 2016-003, 3-8-2016)

8-4-5-18-1: DEVELOPMENT SECURITY:

A. In all cases the applicant shall post:

1. A schedule, agreed upon by the applicant and the administrator for the completion of any stormwater facilities required by the permit;
2. A statement of the estimated probable cost to complete the construction of any stormwater facilities required by the permit which estimate is subject to the approval of the administrator; and
3. An irrevocable letter of credit in favor of the permitting authority or such other adequate security as the administrator may approve, in an amount equal to one hundred ten percent (110%) of the approved estimated probable cost to complete the construction of any required stormwater facilities.

B. The security required by this section shall be maintained by the applicant in favor of the permitting authority until all stormwater facilities required by the permit, other improvements as may be included in a comprehensive security are completed, improvements have been finally inspected and approved by the administrator, requirements of local ordinances have been completed, all conditions set forth in the permit have been satisfied and the applicant has complied with all the provisions of this section 8-4-5.

C. The administrator may approve periodic reductions in the amount of the security based upon the progress of construction and requirements of local ordinances. At no time, however, shall more than ninety percent (90%) of the security be released prior to approval of record drawings and final inspection. A minimum of ten percent (10%) of the original amount of the security shall be retained for a period of one year after completion of all required stormwater facilities. (Ord. 2016-003, 3-8-2016)

8-4-5-18-2: EROSION AND SEDIMENT CONTROL SECURITY:

A. If an erosion and sediment control plan is required under this section 8-4-5 the applicant shall post:

1. A statement of the estimated probable cost to install and maintain the erosion and sediment control measures required by the plan which estimate is subject to the approval of the administrator; and
2. An irrevocable letter of credit in favor of the permitting authority or such other adequate security as the administrator may approve, in an amount not less than one hundred ten percent (110%) of the approved estimated probable cost to install and maintain the required erosion and sediment control measures.

B. The security required by this section shall be maintained by the applicant in favor of the permitting authority until construction is completed, inspected and approved for the following:

1. Erosion and sediment control.
2. Improvements listed within the comprehensive security.
3. Vegetation has been established.
4. Sediment has been removed from all stormwater facilities.
5. Requirements of the local ordinances. (Ord. 2016-003, 3-8-2016)

8-4-5-18-3: WETLAND MITIGATION AND PERFORMANCE SECURITY:

A. If mitigation for wetland impact is required under this section 8-4-5 and the applicant chooses to mitigate within a wetland mitigation facility, the applicant shall post:

1. A statement of the estimated probable cost to install, monitor and maintain the wetland mitigation facility required by the plan for five (5) years which estimate is subject to the approval of the administrator; and
2. An irrevocable letter of credit in favor of the county (or certified community when approved to administer wetland mitigation), or such other adequate security as the administrator may approve, in an amount not less than one hundred ten percent (110%) of the approved estimated probable cost.

B. The security required by this section shall be maintained by the applicant in favor of the county or community in a community certified to administrator this section 8-4-5 until found to meet the performance standards of this section 8-4-5. (Ord. 2016-003, 3-8-2016)

8-4-5-18-4: LETTERS OF CREDIT:

- A. Letters of credit posted pursuant to this section shall be approved by the administrator.
- B. Each letter of credit shall be drawn on an institution that is accepted by the administrator and has assets of at least ten million dollars (\$10,000,000.00). The institution shall also have an office that is within the Chicago metropolitan area and is a member of the federal deposit insurance corporation.
- C. Each letter of credit shall be:
 1. Irrevocable;
 2. Include language that states that in order to receive funds from the letter of credit that the applicant's consent is not required;
 3. If at any time the letter of credit is within the one hundred twenty (120) day period prior to the expiration date, and it has not yet been renewed, a notice shall be sent to the administrator. If the applicant of the letter of credit has not completed the work or has completed the work in an unsatisfactorily manner, the administrator may within ten (10) days' notice and without being required to take any further action, present the letter of credit for payment and thereafter hold all proceeds as security for the satisfactory completion of all such obligations or employ the proceeds to complete all such obligations and reimburse the permitting authority for any and all costs and expenses, including legal fees and administrative costs, incurred by the permitting authority; and
 4. Certified communities may use proprietary letter of credit language which meets or exceeds the requirements of this section.
- D. If the administrator at any time determines that the amount of the letter of credit is not sufficient to pay the stormwater facility work secured through the letter of credit, the administrator may require that the letter of credit amount increase within one hundred twenty (120) days following a request in writing. The increase in the letter of credit shall be determined sufficient to complete all maintenance of all erosion control measures. Failure to increase the amount as suggested by the administrator shall be grounds for the administrator to present the letter of credit for payment.
- E. If at any time the administrator determines that the bank issuing the letter of credit is without assets of at least ten million dollars (\$10,000,000.00), is unable to meet any federal or state requirements for reserves, is insolvent, is in danger of becoming any of the foregoing, or is otherwise in danger of being unable to honor such letter of credit at any time during its term, or if the administrator otherwise reasonably deems the issuing bank to be insecure, then the administrator shall have the right to demand that the applicant provide a replacement letter of credit from a bank meeting all of the requirements listed within this section. Such replacement letter of credit shall be deposited with the administrator not less than ten (10) business days following such demand. Upon such deposit, the administrator shall return the original letter of credit to the issuing bank.
- F. If the applicant fails to fully meet any of the obligations listed within this section, then the administrator shall present the letter of credit for payment and withhold all the proceeds as security for the satisfactory completion of all such obligations or employ the proceeds to complete all such obligations or otherwise mitigate the effects of such failure or refusal and may reimburse the permitting authority for any and all costs and expenses, including legal fees and administrative costs, incurred by the permitting authority. If as a result of such default, the remaining amount of the letter of credit is less than the amount otherwise required to be then maintained under this section, then the applicant shall, as requested by the administrator, immediately secure with the administrator such additional funds as the administrator determines to be required to be then maintained. (Ord. 2016-003, 3-8-2016)

8-4-5-19: FEE IN LIEU OF SITE RUNOFF STORAGE AND WETLAND MITIGATION:

The administrator may require, or in the limited circumstances prescribed in this section 8-4-5 an applicant may request approval of, the payment of a fee in lieu of site runoff storage to fulfill all or part of the site runoff storage requirement for a development. The fee shall be the lesser of the following:

- A. The fee for each acre-foot or part thereof of storage otherwise required computed under schedule adopted for such purpose by the permitting authority; or
- B. The verifiable cost of otherwise providing the required storage, including the value of the land required and all construction costs. For this purpose the land shall be valued according to the use to which it will ultimately be put if not used to provide the required storage. (Ord. 2016-003, 3-8-2016)

8-4-5-19-1: PROCEDURES; USE OF FUNDS:

- A. An applicant's request for approval of the payment of a fee in lieu of site runoff storage shall be submitted to the administrator. The administrator shall either grant or deny the request within forty five (45) days of receiving the request unless the applicant agrees to an extension.
- B. Fees paid in lieu of runoff storage shall be deposited in a separate fund created specifically for that purpose. All receipts and disbursements of such funds shall be accounted for by the individual watershed in which the development is located.
- C. Fees paid in lieu of site runoff storage shall be expended to plan, design, construct or improve stormwater management systems. Preference shall be given to projects that are within the same watershed as the proposed project in which the fees were paid. (Ord. 2016-003, 3-8-2016)

8-4-5-19-2: FEE IN LIEU OF WETLAND MITIGATION:

If wetland mitigation is required under this section 8-4-5 and the applicant requests to satisfy the mitigation requirement by paying a fee in lieu of mitigation, the applicant shall complete the following:

- A. Prepare a statement of the estimated probable cost to acquire the land, install, monitor and maintain a wetland mitigation facility for five (5) years (which estimate is subject to the approval of the administrator), as if the applicant had chosen to satisfy the mitigation requirement by mitigating within a wetland mitigation facility; and
- B. If mitigation credits are available from any wetland mitigation bank, the applicant shall also prepare a statement of the estimated probable cost of satisfying the mitigation requirement through the purchase of credits from a wetland mitigation bank (which estimate is subject to the approval of the administrator), as if the applicant had chosen to satisfy the mitigation requirement in such manner.
- C. The fee in lieu of wetland mitigation to be paid under this section shall be the lesser of either subsection A or B of this section. (Ord. 2016-003, 3-8-2016)

8-4-5-19-3: PROCEDURE:

- A. An applicant's statement of its intention to satisfy the wetland mitigation requirement by the payment of a fee in lieu of wetland mitigation shall be in writing and filed with the administrator in a certified community, along with the estimates detailed in the preceding section.
- B. Fees paid in lieu of wetland mitigation shall be deposited by the county administrator or certified community in a separate fund created specifically for this purpose. Clear records need to be kept that show all of the receipts and disbursements from these funds that are used within the individual watershed in which the fees have been paid.

C. Fees paid in lieu of mitigation for wetland impacts within the county shall be expended for the use of planning, design, construction, improvement, acquisition, creation or enhancement of wetlands within the county, or wetland mitigation facilities and wetland mitigation banks. Fees paid in lieu of mitigation for wetland impacts within any other county may be expended for the same expenses mentioned within this paragraph within the county, or wetland mitigation facilities and wetland mitigation banks.

D. File the qualified engineer review specialist statement with the county administrator. (Ord. 2016-003, 3-8-2016)

8-4-5-20: QUALIFIED REVIEW SPECIALISTS:

The review of an application for a stormwater management permit shall be performed by a qualified review specialist and a qualified wetland review specialist. The qualified review specialist and qualified wetland review specialist together with the administrator shall determine whether the permit application meets the requirements of this section 8-4-5. The administrator shall maintain a list of qualified review specialists and qualified wetland review specialists together with the categories of review in which they have obtained qualification. (Ord. 2016-003, 3-8-2016)

8-4-5-20-1: REQUIREMENTS FOR QUALIFIED REVIEW SPECIALISTS:

In order to be included on a list of qualified review specialists an applicant shall:

- A. Be a registered professional engineer in the state of Illinois.
- B. Have expertise either by training or significant experiences in the following areas:
 - 1. Designing and permitting of stormwater management facilities;
 - 2. Identification of floodplains and floodways, familiarity with FEMA and IDNR-OWR floodplain maps and their policies and procedures;
 - 3. Erosion and sediment control practices and procedures; and
 - 4. Construction practices and inspection procedures.

C. Complete, sign and professionally seal the qualified review specialist statement included in subsection 8-4-5-21B, "Appendix B; Qualified Engineer Review Specialist Statement", of this chapter.

D. File the qualified review specialist statement with the county administrator. (Ord. 2016-003, 3-8-2016)

8-4-5-20-2: REQUIREMENTS FOR QUALIFIED WETLAND REVIEW SPECIALISTS:

In order to be included on the list of qualified wetland review specialists an applicant shall:

- A. Complete a COE approved or other wetland delineation course approved by the county administrator;
- B. Have a bachelor's degree in an earth science, biological science or engineering together with at least one of the following:
 - 1. Three (3) years' (cumulative) full time experience in the Upper Midwest region engaged in consulting on wetland related projects;
 - 2. The completion of one hundred (100) wetland delineations in the Upper Midwest region;
 - 3. Three (3) years' (cumulative) full time experience engaged in consulting on wetlands related projects; or
 - 4. One hundred fifty (150) hours spent in field review of wetland indications in the Upper Midwest region.

C. Have personally been involved with the design of at least ten (10) wetland mitigation areas;

D. Complete and sign the qualified wetland review specialist statement in the form included in subsection 8-4-5-21C, "Appendix C; Qualified Wetland Review Specialist Statement", of this chapter; and

E. File the qualified wetland review specialist statement with the county administrator. (Ord. 2016-003, 3-8-2016)

8-4-5-20-3: REVIEW OF QUALIFICATIONS:

Within thirty (30) days of filing of the application, the county administrator will notify the applicant of their inclusion on the list of qualified engineer review specialists and/or qualified wetland review specialists, as the case may be. If the applicant is not accepted for inclusion on the list, the county administrator shall specify the reasons for his decision. Within thirty (30) days of the receipt of the county administrator's decision, the applicant may appeal the review specialist qualifications committee (hereafter referred to as the "RSQC") by filing with the county. The RSQC shall conduct a hearing on the appeal in the manner prescribed by sections 8-4-5-20-6 and 8-4-5-20-7 of this chapter from which the applicant may further appeal in the manner prescribed by section 8-4-5-20-8 of this chapter. (Ord. 2016-003, 3-8-2016)

8-4-5-20-4: REVIEW SPECIALIST QUALIFICATION COMMITTEE:

The review specialist qualification committee (RSQC) shall be formed and consist of three (3) members from an annually updated listing of review specialists who comply with the specifications of section 8-4-5-20-2 of this chapter. Each member shall be a qualified engineer review specialist or qualified wetland review specialist as described herein. (Ord. 2016-003, 3-8-2016)

8-4-5-20-5: INVESTIGATION; COMPLIANCE:

A. The county administrator upon their own initiative or at the request of any person may conduct an investigation into the qualifications of a qualified review specialist or qualified wetland review specialist, or such specialist's performance of permit reviews under this section 8-4-5. Such investigation may include, but is not limited to, an examination of all relevant records maintained by the community and field inspections of relevant developments, structures or stormwater facilities. If upon such investigation, the county administrator determines that the specialist has failed in some significant way, or has repeatedly failed to conduct such reviews in conformance with this section 8-4-5, then the county administrator shall prepare a report of their findings along with a complaint for the suspension or revocation of the specialist's certification and file that report with the RSQC. The complaint shall contain a short and plain statement describing how the specialist has failed in some significant way, or has repeatedly failed to conduct such reviews in conformance with this section 8-4-5.

B. Upon receipt of a written complaint, the RSQC shall serve a copy thereof along with a copy of the report to the county administrator upon the specialist named therein in accordance with section 8-4-5-16-7 of this chapter. A copy of the complaint and report shall also be served upon the communities directly associated with the complaint. The specialist may file a written answer to the complaint served by the county administrator within thirty (30) days after receiving the report. (Ord. 2016-003, 3-8-2016)

8-4-5-20-6: HEARING ON COMPLAINT:

The RSQC shall conduct a hearing on the complaint not less than seventy five (75) nor more than one hundred twenty (120) days after service of the complaint upon the specialist. Notice of the hearing shall be served upon the specialist and upon any community which received a copy of the complaint and published in accordance with section 8-4-5-16-8 of this chapter. The hearing may be continued from time to time. The RSQC may adopt rules for taking the evidence and conduct of such hearings. (Ord. 2016-003, 3-8-2016)

8-4-5-20-7: DECISION OF THE RSQC:

Within thirty (30) days of the conclusion of the hearing, the RSQC shall decide whether or not to remove, either temporarily or permanently, the name of the specialist from the list of qualified review specialists. The decision of the RSQC shall be in writing and shall include the specific findings and conclusions supporting its determination. A copy of the decision and order shall be served upon the specialist and upon any community which received a copy of the complaint in accordance with section 8-4-5-16-7 of this chapter. If the specialist's name is to be temporarily removed from the list, the specialist shall automatically become prequalified upon the expiration of the designated period. If the specialist's name is to be permanently removed, the specialist may apply for qualification at or after such time as the RSQC specifies within its order. (Ord. 2016-003, 3-8-2016)

8-4-5-20-8: APPEALS:

A. Within thirty (30) days after being served with the order from the RSQC, the specialist may appeal to the commission. The appeal shall be made by filing a notice thereof with the county administrator. The commission shall conduct a hearing on the appeal not less than seventy five (75) nor more than one hundred twenty (120) days after the filing of the notice of the appeal. The hearing shall be de novo. Notice of the hearing before the RSQC shall be served upon all applicable parties. The hearing may be continued from time to time. The commission may adopt rules for the taking of evidence and conduct of such hearings.

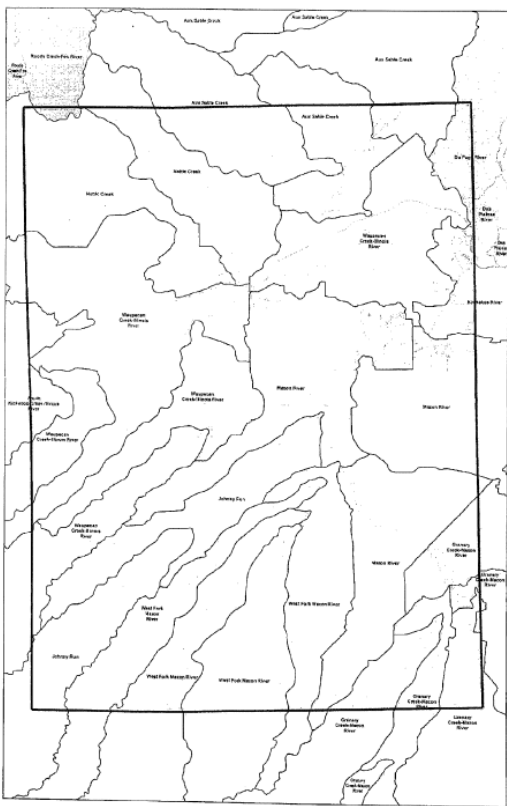
B. Within thirty (30) days of the conclusion of the hearing, the commission shall decide whether to affirm or reverse, in whole or in part, the order of the RSQC. The decision of the commission shall be in writing and shall include the specific findings and conclusions made by the commission to support their decision. A copy of the decision and order shall be served upon all parties in accordance with section 8-4-5-16-7 of this chapter.

C. Following a final decision of the commission, the specialist may appeal to the courts under the Illinois administrative review law. (Ord. 2016-003, 3-8-2016)

8-4-5-21: APPENDICES:

A. Appendix A; Watershed Boundaries:

WATERSHED BOUNDARIES FOR MAJOR WATERSHEDS IN GRUNDY COUNTY



B. Appendix B; Qualified Engineer Review Specialist Statement:

Qualified Engineer Review Specialist Statement

I, _____, of _____, with professional licensure in the State of Illinois, do hereby state that I have read and fully understand the Grundy County Stormwater Ordinance (hereafter referred to as the 'ordinance') and the Technical Guidance Manual. I also understand that it is my responsibility to also abide and understand all amendments to the ordinance. I affirmatively state that I meet the requirements set forth in Section 8-4-5-20 of the ordinance. I will review projects for compliance with the ordinance using my expertise in stormwater management system design, floodplain and floodway policies and procedures, soil erosion and sediment control procedures and practices, and construction practices and inspections, and permitting processing through federal and state organizations. I will exercise professional judgment with respect to projects submitted for my review in accordance with the customary standard of care applicable to persons providing similar services in the same or similar services in the same or similar communities in order to insure substantial conformance with the ordinance. I understand that failure to adequately discharge this obligation may, with due process, result in loss of this status. It is my responsibility to provide the Administrator with any changes to the information provided.

Signature

P.E. Registration Number Expiration Date

(seal)

Telephone: __

Fax: __

Email: __

Employer: __

(Attach a one-page summary of your qualifications under 8-4-5-20 of the ordinance)

C. Appendix C; Qualified Wetland Review Specialist Statement:

Qualified Wetland Review Specialist Statement

I, _____, of _____, do hereby state that I have read and understand the Grundy County Stormwater Ordinance (hereafter referred to as 'ordinance') and the Technical Manual which accompanies it, and will obtain, read and abide by any amendments thereto. I affirmatively state that I meet the requirements set forth in 8-4-5-20 of the ordinance. I will review projects for compliance with those sections of the ordinance pertaining to wetlands, including, without limitation, wetland delineation and the calculation of buffer widths. I will use my expertise in wetland delineations or filed identification of wetland indicators in the Upper Midwest. I understand that failure to adequately discharge this obligation may, with due process, result in loss of this status. It is my responsibility to provide the Administrator with any changes to the information provided.

Signed

Telephone __

Fax __

Email __

Employer: __

(Attach a one-page summary of your qualifications under Section 8-4-5-20)

D. Appendix D; Sample Special Services Area Ordinances:

[City/Village] of _____

ORDINANCE NO. _____

AN ORDINANCE PROPOSING THE ESTABLISHMENT OF THE _____ SPECIAL SERVICE AREA [or SPECIAL SERVICE AREA NO. _____] OF _____, ILLINOIS AND THE LEVY OF TAXES FOR THE PURPOSE OF PAYING THE COST OF PROVIDING SPECIAL SERVICES IN AND FOR SUCH AN AREA.

ADOPTED BY THE

[MAYOR AND CITY COUNCIL/PRESIDENT AND BOARD OF TRUSTEES]

OF THE

[CITY/VILLAGE] OF _____

[DATE]

ORDINANCE NO. _____

AN ORDINANCE PROPOSING THE ESTABLISHMENT OF THE _____ SPECIAL SERVICE AREA [or SPECIAL SERVICE AREA NO. _____] OF _____ ILLINOIS AND THE LEVY OF TAXES FOR THE PURPOSE OF PAYING THE COST OF PROVIDING SPECIAL SERVICES IN AND FOR SUCH AREA

WHEREAS pursuant to the provision of the 1970 Constitution of the State of Illinois (the Constitution), the [City/Village] of _____, Grundy County, Illinois (the [City/Village]), is authorized to create special service area in and for the [City/Village], and;

WHEREAS, special service areas are established by non-home rule units pursuant to Section 7 (6) of Article VII of the Constitution which provides that:

Municipalities...which are not home rule units shall have...powers... to levy or impose additional taxes upon areas within their boundaries in the manner provided by law for the provision of special services to those areas and for the payment of debt incurred in order to provide those special services;

And are established according to law pursuant to the provisions of and act to provide the manner of levying or imposing taxes for the provisions of special services to areas that are within the boundaries of home rule units and non-home rule municipalities and counties, "approved September 21, 1973 as amended and pursuant to the Revenue act of 1939 of the State of Illinois, as amended, and;

WHEREAS, the Area is compact and contiguous, totally within the corporate limits of the [City/Village] and;

WHEREAS the Area will benefit from the municipal services to be provided by the [City/Village] (the Services), and the Services are unique and in addition the services provided to the [City/Village] as a whole, therefore it is in the best interest of the [City/Village] that the establishment of the Area be considered, and;

WHEREAS, it is in the public interest that the levy of a direct annual ad valorem tax upon all taxable property that is within the Area being considered for the direct purpose of paying the cost of providing the Services; and

WHEREAS, the revenue from such tax shall be exclusively for the sole purpose of the Services for which the [City/Village] is authorized under the provisions of the Illinois Municipal Code, as amended, to levy taxes or special assessments or to appropriate the funds of the [City/Village]. All of the Services to be in and for the Area and all of the necessary construction and maintenance to be on property now owned or to be acquired by the [City/Village], or property in which the [City/Village] will obtain an interest sufficient for the provisions of the Services, and;

WHEREAS, said direct annual ad valorem tax shall be levied upon all taxable property that is within the Area for an indefinite period of time beginning for the year _____ and shall not exceed an annual rate of _____ of the assessed valuation of each tax parcel within the Area and shall be in addition to all other taxes permitted by law, and;

WHEREAS, a public hearing will be held at _____, on the _____ day of _____, _____, in the [City/Village] Hall _____, _____, Illinois _____ (the hearing), to consider the establishment of the Area for the purpose of providing these services and the levy of an additional direct annual ad valorem tax for the purpose of paying the cost thereof, all as described in the Notice of Public Hearing set forth in Section 2 hereof

(the notice), and;

WHEREAS, the notice shall be given by publication and mailing. Notice by publication shall be given by publication on a date, such date being not less than 15 days prior to the hearing, in a newspaper published within the [City/Village] or, in general circulation within the [City/Village], there being no newspaper published therein. Notice by mailing shall be given by depositing the notice in the United States Mail addressed to the person or persons in whose name the general taxes for the last preceding year were paid on each lot, block, tract, or parcel of land lying within the area. The notice shall be mailed not less than 10 days prior to the time set for the hearing. In the event taxes for the last preceding year were not paid, the notice shall be sent to the person last listed on the tax rolls prior to that year as the owner of said property.

NOW THEREFORE, be it ordained by the [Mayor and City Council/President and the Board of Trustees] of the [City/Village] of _____, Grundy County, Illinois as follows:

1) Incorporation of the preambles

The preambles of this ordinance are hereby incorporated into this text as if set out herein in full.

2) Notice

The [Mayor and City Council/President and Board of Trustees] determine that the notice is in the proper statutory form as set forth as follows:

NOTICE OF PUBLIC HEARING

[CITY/VILLAGE] OF _____, GRUNDY COUNTY, ILLINOIS

_____ SPECIAL SERVICE AREA [or NO. _____]

NOTICE IS HEREBY GIVEN that on _____, at _____, in [City/Village] Hall, _____, Illinois, a public hearing (the hearing) will be held by the [Mayor and City Council/President and Board of Trustees] of the [City/Village] of _____, Grundy County, Illinois to consider the establishment of the _____ Special Service Area [No. _____], (the area), of the [City/Village], consisting of the following described territory:

SEE ATTACHED EXHIBIT A

Said territory consists of approximately _____ acres lying [insert general description of location]. An accurate map of said territory is on file in the office of the [City/Village] Clerk and is available for public inspection.

The purpose of the establishment of the Area is to provide the following special services (the services) to the Area: the operation, maintenance, repair, rehabilitation, replacement and reconstruction of any stormwater site runoff storage area, drainage way, ditch, swale, storm sewer or other stormwater facility; costs of design, engineering and other consulting services, surveying and permits, public liability insurance, and all administrative, legal and other costs or expenses incurred in connection therewith and with the administration of the Area, including the repayment of any load or debt incurred for the provision of any of such Services to be in and for the Area.

All of the Services are to be on property now owned or to be acquired by the [City/Village], or property in which the [City/Village] will obtain an interest sufficient for the provision of the Services.

The levy of a direct annual ad valorem tax upon all taxable property within the Area for the purpose of paying the cost of the Services will also be considered at the hearing. The tax shall be levied upon all taxable property within the Area for an indefinite period of time beginning for the year _____ and shall not exceed an annual rate of _____ of the assessed valuation of each tax parcel within the Area and shall be in addition to all other taxes permitted by law.

All interested persons affected by the establishment of the Area or tax levy, including all owners of real estate located within the Area, will be given an opportunity to be heard at the Hearing regarding the establishment of the Area or the tax levy.

At the hearing, any interested persons affected by the Area may file with the [City/Village] Clerk written objections to and may be heard orally in respect to any issues embodied in this notice. The [Mayor and City Council/President and Board of Trustees] shall hear and determine all protests and objections at the hearing, and the hearing may be adjourned to another date without further notice other than a motion to be entered upon the minutes fixing the time and place of its adjournment.

If a petition signed by at least 51% of the electors residing within the Area and by at least 51% of the owners of record of the land included within the boundaries of the Area is filed with the [City/Village] Clerk within 60 days following the final adjournment of the hearing objecting to the creation of the Area or the levy or imposition of a tax for the provision of the Services to the Area, no such Special Services Area may be created or no tax may be levied or imposed.

By order of the [Mayor and City Council/President and the Board of Trustees] of the [City/Village] of _____, Grundy County, Illinois.

Signature of [Mayor/President]

Dated this _____ day of _____, _____.

Attested by [City/Village] Clerk

3. Miscellaneous

The [City/Village] agrees to produce or file such forms, statements, proceedings and supporting documents as may be required in a timely manner in order to establish the Area and levy the taxes and, if deemed necessary or advisable by its officers, to employ and pay fiscal agents, financial advisors, attorneys, and other persons to assist the [City/Village] in these endeavors.

4. Repealer; effective date

All ordinances, orders and resolutions and parts thereof in conflict herewith are and the same are hereby repealed, and this ordinance be in full force and effect forthwith upon its passage, approval and publication as provided by law.

Dated: __

[CITY/VILLAGE] OF _____

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING THE _____ SPECIAL SERVICE AREA [OR NO. _____] OF _____, ILLINOIS AND PROVIDING FOR THE LEVY OF TAXES FOR THE PURPOSE OF PAYING THE COST OF PROVIDING SPECIAL SERVICES IN AND FOR

SUCH AREA

ADOPTED BY THE

[MAYOR AND CITY COUNCIL/PRESIDENT AND BOARD OF TRUSTEES]

OF THE

[CITY/VILLAGE] OF _____

[DATE]

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING THE

_____ SPECIAL SERVICE AREA [or NO. _____] OF

_____, ILLINOIS

AND PROVIDING FOR THE LEVY OF TAXES FOR THE PURPOSE OF

PAYING THE COST OF PROVIDING SPECIAL SERVICES

IN AND FOR SUCH AREA

WHEREAS, pursuant to the provisions of the 1970 Constitution of the State of Illinois (the Constitution), the [city/Village] of _____, Grundy County, Illinois (the City/Village), is authorized to create special service areas in and for the [City/Village]; and

WHEREAS, special service areas are established by non-home rule units pursuant to Section 7 (6) of Article VII of the Constitution, which provides that -

Municipalities... which are not home rule units shall have on the powers granted to them by law and powers... (6) to levy or impose additional taxes upon areas within their boundaries in the manner provided by law for the provision of special services to those areas and for the payment of debt incurred in order to provide those special services;

And

WHEREAS, special service areas are established "in the manner provided by law" pursuant to the provisions of "AN ACT to provide the manner of levying or imposing taxes for the provision of special services to areas within the boundaries of home rule units and non-home rule municipalities and counties," approved September 21, 1973, as amended (the ACT), and pursuant to the provisions of the Revenue Act of 1939 of the State of Illinois, as amended; and

WHEREAS, it is in the public interest that the area hereinafter described be established as the _____ Special Service Area [or No. _____] of the [City/Village]; and

WHEREAS, the Area is compact and contiguous and totally within the boundaries of the [City/Village]; and

WHEREAS, the Area will benefit specially from the services to be provided by the [City/Village] (the Services), and the Services are unique and in addition to the services provided to the [City/Village] as a whole, and it is, therefore, in the best interests of the [City/Village] that the Area be established; and

WHEREAS, the cost of providing the Services shall be paid by the levy of a direct annual ad valorem tax upon all taxable property within the Area; and

WHEREAS, said direct annual tax shall be levied upon all taxable property within the Area for an indefinite period of time beginning for the year _____ and shall not exceed an annual rate of _____ of the assessed valuation of each tax parcel within the Area and shall be in addition to all other taxes permitted by law; and

WHEREAS, the establishment of the Area was proposed by the [City Council/Board of Trustees] of the [City/Village] (the [Council/Board]) pursuant to Ordinance No. _____, entitled:

AN ORDINANCE proposing the establishment of the _____ Special Service Area [or No. _____] of _____, Illinois, and the levy of taxes for the purpose of paying the cost of providing special services in and for such Area.

(the Proposing Ordinance), duly adopted on _____, was considered at a public hearing (the Hearing) held by the [Council/Board] on _____; and

WHEREAS, notice of the Hearing was given by publication at least once not less than 15 days prior to the Hearing in _____, the same being a newspaper published in the [City/Village] [or, of general circulation with the [City/Village], there being no newspaper published therein]; and

WHEREAS, mailed notice of the Hearing was given by depositing notice in the United States mail addressed to the person or persons in whose name the general taxes for the last preceding year were paid on each lot, block, tract or parcel of land lying within the Area not less than 10 days prior to the time set for the Hearing, and in the event taxes for the last preceding year were not paid, the notice was sent to the person or persons last listed on the tax rolls prior to that year as the owner or owners of said property; and

WHEREAS, said notice complied with all of the applicable provisions and requirements of the Act; and

WHEREAS, all interested persons affected by the establishment of the Area or the levy of the tax to pay the cost of providing the Services, including all owners of real estate located within the Area, were given an opportunity to be heard at the Hearing regarding the establishment of the Area and the levy of said tax and an opportunity to file objections to the establishment of the Area or the levy of said tax; and

WHEREAS, at the Hearing, all interested persons affected by the Area were permitted to file with the [City/Village] Clerk written objections and to be heard orally in respect to any issue embodied in the notice given of the Hearing; and

WHEREAS, the [Council/Board] has determined and does hereby determine that it is in the public interest of the [City/Village] and the Area that the Area be established;

NOW, THEREFORE, Be It Ordained by the [Mayor and City Council/President and Board of Trustees] of the [City/Village] of _____, Grundy County, Illinois, as follows:

1. Incorporation of preambles

The preambles of this ordinance are hereby incorporated into this text as if set out herein in full.

2. Final adjournment of Hearing

The Hearing was finally adjourned on _____.

3. Establishment of Area

(a) The _____ Special Service Area [of No. _____] of the [City/Village] is hereby established in and for the [City/Village] and shall consist of the territory legally described in Exhibit A attached.

(b) Said territory consists of approximately _____ acres lying [insert a general description of the location of the area] in the [City/Village]. An accurate map of the Area is attached hereto and made a part hereof.

4. Purpose of the establishing the Area

The purpose of establishing the Area is to provide the Services to the Area, including the operation, maintenance, repair, rehabilitation, replacement and reconstruction of any site runoff storage area, drainage way, ditch, swale, storm sewer, or other stormwater facility; costs of design, engineering and other consulting services, surveying and permits, public liability insurance, and all administrative, legal and other costs or expenses incurred in connection therewith and with the administration of the Area, including the repayment of any loan or debt incurred for the provision of any such Services, all of the Services to be in and for the Area and all of said construction and improvements to be on property now owned or to be acquired by the [City/Village], or property in which the [City/Village] will obtain an interest sufficient for the provision of the Services.

5. Tax Levy

The cost of the Services shall be paid by the levy of a direct annual ad valorem tax upon all taxable property within the Area for an indefinite period of time beginning for the year _____ and shall not exceed an annual rate of _____ of the assessed valuation of each tax parcel within the Area and shall be in addition to all other taxes permitted by law.

6. Filing

The [City/Village] Clerk is hereby directed to file a certified copy of this ordinance, including an accurate map of the Area, in the office of the Grundy County Clerk and in the office of the Grundy County Recorder forthwith after its adoption and approval.

7. Repealer

All ordinances, orders and resolutions and parts thereof in conflict herewith be and the same are hereby repealed, and this ordinance be in full force and effect forthwith upon its adoption.

Dated: __

Approved:

[Mayor/President]

Attested, filed in my office and published in pamphlet form on _____, 20____:

Clerk of the [City/Village] of _____, Grundy County, Illinois

E. Appendix E; Sample Comprehensive Countywide Stormwater Program:

CITY/VILLAGE OF _____

RESOLUTION NO. _____

COMPREHENSIVE COUNTYWIDE STORMWATER PROGRAM

CERTIFIED COMMUNITY AUDIT

Whereas, pursuant to the provisions of Article 11, of the Grundy County Stormwater Ordinance (_____) adopted _____, the City/Village of _____ was certified by the Grundy County Stormwater Management Committee (the 'Committee') as a certified community charged with the enforcement of the ordinance within the City/Village; and

Whereas, the implementation and enforcement of the ordinance by the City/Village is subject to periodic review by the Committee; and

Whereas, the Committee has requested that the City/Village complete and certify the attached audit of the City/Village's implementation and enforcement of the ordinance;

Now, therefore, be it resolved by the Mayor/President and City Counsel/Board of Trustees of the City/Village of _____ that the attached audit as completed is true and correct and accurately reflects the enforcement of the ordinance within the City/Village of _____.

Dated: _____, 20____

Approved: _____, 20____

Mayor/President

Attest:

Clerk

F. Appendix F; Stormwater Ordinance Self-Audit:

GRUNDY COUNTY

STORMWATER ORDINANCE SELF AUDIT

Name of certified community: __

Name of Stormwater Administrator: __

Phone Number: _____ Email: __

Name(s) of individual(s) who served as Qualified Engineer Review Specialists:

— — —
— — —
— — —

Name(s) of individual(s) who served as Qualified Wetland Review Specialists:

— — —
— — —
— — —

What is the date(s) of the current flood insurance study for your community? __

What are the effective panel numbers and their effective dates?

Describe the steps that your community goes through in the reviewing and issuing of a stormwater permit from the conceptual stage of the project to the actual issuance of the permit:

For each step in the development process, indicate if the stormwater management is examined at that step by marking Y for Yes. If your process does not include that step as part of the process place an N/A in the blank space:

____ pre-annexation ____ zoning amendment or change
____ pre-concept ____ Improvement Plan Stage
____ Concept Stage ____ Preliminary Plat
____ Final Plat ____ Construction stage
____ Post Construction

Describe the process in which it is determined that a project is in compliance with the wetland requirements of the ordinance:

Were any violations of the ordinance cited? If yes, please describe what occurred during this violation.

How many SAA's have you developed per this ordinance? __

How many back-up SSA's have you developed per this ordinance? __

Please detail any stormwater planning, intergovernmental cooperation, or natural resource preservation activities you are completing or have completed over the past two years:

Inspections:

How are inspections completed during the construction of developments? Provide all details of the inspections including the personnel, reports, and frequency.

What department(s), or outside agency, is responsible for the completion and documentation of these inspections?

How are the results of these inspections documented and reported?

Who conducts sediment and erosion control inspections and reporting?

Describe any reporting procedures specifically for sediment and erosion control?

Below include any pertinent information that the Stormwater Committee should be aware of:

Number of stormwater permits issued in 20____? __

Number of new single family dwelling unit permits issued in 20____? __

Number of new townhome building permits issued in 20____? __

Number of total units in the townhome permits issued in 20____? __

Number of buildings and units of multifamily dwelling units in 20____? __

Number of new commercial building permits issued in 20____? __

Number of industrial building permits issued in 20____? __

SELF AUDIT QUESTIONS

Answer each question by either yes, no, or N/A.

- 1) Is detention always required and constructed for developments when:
 - a. Residential development exceeds 2 or more homes on 3 or more acres? ____
 - b. Multi-family development, exceeds more than 1 acre in project area? ____
 - c. Commercial or industrial development, exceeds 1 acre or when more than 25,000 sf is hydraulically disturbed? ____
 - d. Road projects, exceeds 1 acre in disturbed area? ____
- 2) Has a fee-in-lieu for detention program been implemented? ____

- 3) Are all stormwater facilities functional before building permits are issued when they are in the same phase of the project? _____
- 4) Is pre-development onsite Depressional storage properly preserved at a ratio of 1:1? _____
- 5) Prior to approval of the stormwater management plan, is a full field tile investigation completed? _____

If tiles are found are all tiles removed from the project site and are the upstream tiles incorporated into the stormwater management system and all downstream tiles properly capped? _____

Are inspections completed at each step of this process? _____

- 6) Is the post-development release rate less than 0.1 cfs/acre, as verified by acceptable event hydrograph routing methods? _____
- 7) Is retention always provided for directly connected impervious areas? _____
- 8) Are stormwater storage facilities designed such that predevelopment peak runoff rates for a 100 year critical duration rainfall events are not exceeded with the assumption that the primary restrictor is blocked? _____
- 9) Are developments being designed such that erosion and sediment control planning are incorporated into all stages of construction of the project? _____
- 10) Is runoff from disturbed areas of the site being directed to erosion and sediment control facilities prior to discharge from the project site? _____
- 11) Are all project sites shutdown for winter months in accordance with the ordinance? _____
- 12) Have the major erosion control methods been designed to include the hydraulic and hydrologic design requirements? _____
- 13) Have any areas of the disturbed areas of the project exceeded 40 acres? _____
- 14) If the disturbed areas exceeds 40 acres has the Administrator approved the larger area? _____
- 15) Have the erosion and sediment control plans been submitted in accordance with the ordinance? _____
- 16) Have all disturbed sites been inspected weekly or after a one-half inch of rainfall or greater? _____
- 17) Have repairs been made in the event of a failure of any erosion and sediment control measure? _____
- 18) Has mud or debris tracked onto the road been removed daily at the end of the workday or sooner as directed by the authority maintaining the roadway? _____
- 19) Have there been complaints provided to the City/Village in regard to the lack of proper erosion and sediment control facilities? _____
- 20) Are FEMA, FIRM, BFE's always utilized and adhered to? _____
- 21) For areas with less than 640 tributary acres, are BFE's specifically determined and verified by approved hydrologic and hydraulic models? _____
- 22) Do all appropriate uses which change the regulatory floodway or BFE, wait to start construction until a CLOMR is issued from IDNR/OWR and FEMA? _____
- 23) Has any development occurred in the regulatory floodplain that singularly or cumulatively creates any increase in flood stage or velocity offsite, or a damaging or potentially damaging increase in flood heights or velocity on site, or a threat to the public health, safety, and welfare? _____
- 24) Have any buildings been built in the existing or proposed regulatory floodplain prior to LOMR being obtained from FEMA unless the building met all the building protection standards? _____
- 25) Have you approved an activity which requires a CLOMR or LOMR? _____
- 26) Are the lowest opening for new developments approved above the FPE? _____
- 27) Is compensatory storage provided at a ratio of 1.5:1? _____
- 28) Has any structure or building been constructed in the floodway? _____
- 29) Before any development in or near Waters of the U.S., or in or near isolated wetlands or farmed wetlands, has a written report identifying and evaluating the boundaries, location, limits, area and quality of all onsite wetlands been submitted? _____
- 30) Has the presence and limits of wetland areas been determined by a wetland areas been determined by a wetland delineation as conducted in accordance with the 1987 Manual? _____
- 31) Have required buffers been identified on the developer's engineering plans? _____
- 32) Have required buffers been protected by appropriate easements and are those easements indicated on all plats of the development? _____
- 33) Have maintenance requirements for the proposed buffers for wetlands been noted on the plats of the developments? _____
- 34) Have any developments used any buffer width averaging? _____
- 35) Have all developments complied with the required buffer widths in accordance with the ordinance? _____
- 36) Have all buffers been stabilized in accordance with the ordinance? _____
- 37) Have all buffer areas been established and maintained free from development? _____
- 38) Have any federally funded actions occurred that are inconsistent with E.O. 119988 on Floodplain Management, which prohibits federal funding of projects located in the floodplain unless there is no practicable alternative? _____
- 39) Have you experienced any problems interpreting or administering the floodplain regulations of the Grundy County Stormwater Ordinance? _____
- 40) Does your community have current FEMA maps/studies for public inspection? _____
- 41) Have you experienced any problems using the FEMA maps/studies? _____

- 42) If any residential building(s) located in the floodplain have been substantially damaged, have the buildings been brought into compliance with the floodplain regulations of the Grundy County Stormwater Ordinance for elevation of lowest floor including basement? ____
- 43) Have all floodplain development activities including mining, dredging, filling, grading, paving, excavation, drilling and construction of fences received the necessary stormwater permits? ____
- 44) If any non-residential structure(s) have been structurally dry floodproofed, has a FEMA floodproofing certificate been completed for those structures? ____
- 45) For any buildings having been built on crawl spaces, does the inside grade equal the outside grade on at least one side and has a square inch of opening been provided for every square foot enclosed below the base flood elevation? Are the openings located no more than one foot above the existing grade? ____
- 46) Have all the required federal, state, and local permits been received prior to the issuance of a stormwater permit? ____
- 47) After a flood event, have damage determinations been made for all damaged buildings located in the floodplain to determine substantially damaged structures which must comply with the floodplain regulations of the Grundy County Stormwater Ordinance? ____
- 48) Have all new and replacement water supply systems, wells, sanitary sewer lines and on-site waste disposal systems been designed, permitted, and constructed to ensure that all manholes or other above ground openings located below the flood protection elevation (FPE) are watertight? ____
- 49) Have any developments in the special flood hazard area (SFHA), included locating or storing of chemicals, explosives, buoyant materials, animal wastes, fertilizers, flammable liquids, pollutants, or other hazardous or toxic materials below the flood protection elevation (FPE) been properly permitted? ____
- 50) Has your community notified adjacent communities in writing at least 30 days prior to the issuance of a permit for the alteration or relocation of a watercourse? ____
- 51) Have manufactured homes or recreation vehicles (RVs) on site for more than 180 consecutive days been properly permitted to meet the anchoring and elevation requirements of the floodplain regulations of the Grundy County Stormwater Ordinance? ____
- 52) If any tool sheds, detached garages, and other minor accessory structures on an existing single-family platted lot have been constructed with the lowest floor below the flood protection elevation, do they meet the floodplain regulations of the Grundy County Stormwater Ordinance? ____
- 53) Are stormwater permits required and issued for all activities disturbing more than 50,000 square feet of ground, and any development or substantial improvement in the regulation floodplain? ____
- 54) Are all stormwater facility designs and floodplain submittals prepared, signed, and sealed by a professional engineer? ____
- 55) Is all mandatory information, as defined in the ordinance submitted for every permit application? ____
- 56) Is the application signed and attested by all owners and developers? ____
- 57) Is all mandatory information as listed in the ordinance included in every plan set submittal? ____
- 58) Is all mandatory information as listed in the ordinance included in every stormwater submittal? ____
- 59) Is all mandatory information as listed in the ordinance included in every wetland submittal? ____
- 60) Is all mandatory information as listed in the ordinance included in every floodplain submittal? ____
- 61) Have all wetland delineations been reviewed by a qualified wetland review specialist? ____
- 62) Have all wetland delineations been reviewed by a qualified wetland review specialist? ____
- 63) Has a qualified wetland review specialist provided to the Administrator a written opinion on the applicability of current federal permits and noting any special procedures which shall be followed in connection with the proposed activity? ____
- 64) Have all wetland submittals included:
- Calculation of required buffers? ____
 - All existing and proposed impacted or undisturbed onsite wetlands? ____
 - Location of buffers? ____
 - Planting plan for buffers? ____
 - All required wetland management activities? ____
- 65) Has any development been permitted by your community that has caused a wetland impact? ____
- 66) Has any dredging or filling of any wetland having an FQI greater than 25 occurred in your community? ____
- 67) Has any cumulative wetland dredging or filling in excess of 0.25 acres occurred in your community? ____
- 68) Has any dredging or filling occurred within a farmed wetland in your community? ____
- 69) Are record drawings submitted and final inspections completed to verify the development was constructed in conformance with the permit? ____
- 70) Is necessary long-term maintenance provided for in one of the two approved ways? ____
- Responsibility is dedicated, transferred, or conveyed, and accepted by a public entity and a special service area has been incorporated? ____
 - Responsibility is maintained by a homeowners association or similar association or conveyed to one or more persons and a backup special service area has been incorporated? ____
- 71) Are all necessary inspections being completed? ____

- 72) Has any ordinance violation or permit violation been issued? _____
- 73) Have wetland impacts been permitted by your community within exempt developments? _____
- 74) Has a variance been issued? _____
- 75) Are qualified engineer review specialists reviewing every stormwater permit? _____
- 76) Are qualified wetland review specialists reviewing all appropriate permits? _____
- 77) Is appropriate performance security, as defined in the ordinance being provided? _____

G. Appendix G; Developer's Statement:

DEVELOPER'S STATEMENT

Right to Draw on Securities

I, _____, do hereby grant to the Administrator of _____. The right to draw on performance security posted in accordance with the Stormwater Permit _____ for the purpose of completing any and all Stormwater Facilities and completing or maintaining Sediment and Erosion Control Measures included in the referenced permit. The decision to draw on the security shall be at the discretion of the Administrator. I further grant the right to enter the property for the purpose of performing the work to whoever the Administrator designates and agree to identify _____ against any increased costs attributable to concurrent activities or conflicts between the Administrators design's and any other contractors on site. I further warrant that I am a duly authorized representative of the developer with the authority to make this statement, and that this statement shall remain binding until final inspection and acceptance of all permitted Stormwater Facilities.

STATEMENT FOR: _____

Developer

BY: _____

Name and Signature

RELEASED BY FINAL ACCEPTANCE

FOR: _____

County/Community

BY: _____

Administrator

DATE: _____

H. Appendix H; Erosion And Sediment Control Inspection Report:

Erosion and sediment control inspection report

Project Name: ___ File No.: _____

Inspection Date: _____ Time: _____ Inspected By: _____

Stage of Construction

___ Pre-construction Meeting ___ Rough Grading ___ Finish Grading

___ Clearing & Grubbing ___ Building Construction ___ Final Stabilization

YES NO N/A Inspection Checklist

- __1) Have all disturbed areas requiring temporary or permanent stabilization been stabilized? Seeded? Mulched? Graveled?
- __2) Are soil stockpiles adequately stabilized with seeding and/or sediment trapping measures?
- __3) Does permanent vegetation provide adequate stabilization?
- __4) Have sediment trapping facilities been constructed as a first step in disturbance activity?
- __5) For perimeter sediment trapping measures, are earthen structures stabilized?
- __6) Are sediment basins installed where needed?
- __7) Are finished cut and fill slopes adequately stabilized?
- __8) Are on-site channels and outlets adequately stabilized?
- __9) Do all operational storm sewer inlets have adequate inlet protection?
- __10) Are stormwater conveyance channels adequately stabilized with shell lining and/or outlet protection?
- __11) Is in-stream construction conducted using measures to minimize channel damage?
- __12) Are temporary stream crossings of non-erodible material installed where applicable?
- __13) Is necessary restabilization of in-stream construction complete?
- __14) Are utility trenches stabilized properly?
- __15) Are soil and mud kept off public roadways at intersections with site access roads?
- __16) Have all temporary control structures that are no longer needed been removed? Have all control structure repairs and sediment removal been performed?

_17) Are properties and waterways downstream from development adequately protected from soil erosion and sediment deposition due to increases in peak stormwater runoff?

I. Appendix I; Grundy County Stormwater Administrative Manual:

Section A: Introduction

The Grundy County Stormwater Administrative Manual is intended to help the Stormwater Committee and staff of Grundy County to administer the code. This manual will also be helpful to certified communities as they implement the ordinance for their community. Included are helpful discussions on intent of the sections that are included within the ordinance. The manual also provides the user the tools in which to implement the ordinance.

I. ADMINISTRATIVE GUIDANCE

Section B Duties and Responsibilities for Administration:

General:

There are two distinct groups who are responsible for the implementation of the Grundy County Stormwater ordinance. Those groups are:

- Stormwater Committee
- Administrator

The duties of the two entities do not however, include the responsibility of each municipality and the County from following the National Flood Insurance Program (NFIP). Following this program each group would be required to keep records and follow the requirements of the NFIP that is included within the ordinance. The only difference is that neither the Stormwater Committee nor the Administrator is responsible to seeing that the process is followed.

Duties:

The Stormwater Committee and the Administrator are responsible for the following duties:

Administrator: The Administrator position is appointed by the Certified Community. For the County it would be the position held by the Administrator of the County. Even though each Certified Community has their own Administrator of the plan, the County Administrator holds the responsibility to ensure that each certified community is fulfilling their obligation. Whether the Administrator is of the Certified Community or the County the responsibility remains the same to enforce the Stormwater Ordinance. Each Certified Community can have appointed people under the Administrator to regulate the stormwater management permits and restrictions of the Grundy County Stormwater Ordinance. Those appointed people or firms would bring the expertise necessary to review and analyze projects or issues that requires compliance with the Stormwater Ordinance.

For most communities the issues of enforcement of stormwater provisions usually is assigned from the Administrator to the Public Works Director or a review engineer of that municipality or both. If a municipality does not have either a Public Works Director or Administrator, the County would provide assistance through staff including a Qualified Review Specialist appointed by the County.

The Administrator of the Stormwater Ordinance will be responsible for any permits that are required to be obtained by an outside agency. This position also requires overseeing of the wetlands delineated for each project. This does require that a Qualified Review Specialist or the Qualified Wetland Review Specialist (where applicable) has reviewed the permit application and makes recommendation to either deny or to recommend the project. The Administrator would take the position of ensuring that all recommendations be provided, either negative or positive, before making a decision to permit the stormwater management permit. The decision of the Administrator would then need to determine whether or not modification to the plan is required or whether the plan meets the minimum standards as outline in the Stormwater Ordinance.

Variances are considered by the Administrator. The Administrator would then be responsible to ensure that the proper notifications of adjacent property owners and other communities have been completed. If the variance once granted requires that the flood insurance rate be increased by FEMA according to the NFIP, then the Administrator has to provide that information to the applicant of the variance. All information and requests to the COE for Conditional Letter of Map Revision (CLOMR) or Letter of Map Revision (LOMR) shall be provided to the Administrator for review. These records shall be carefully kept by the Administrator and designated staff.

Each Administrator can develop their own forms for applications, variances, inspections, and filing system. Permits for wetland impacts for wetlands that are considered non-jurisdictional by the C.O.E. are issued by the Administrator of the County. The Administrator is also responsible for inspections of the projects including as-built conditions after construction has taken place. All complaints that are received shall be reviewed by the Administrator and be included into a data bank that will follow the complaint to resolution. Complaints may be filed by anyone and should include details, photos and investigation inspection reports that are completed by the Administrator's staff.

The Administrator is responsible for the documentation of each Certified Community to determine whether compliance to the Stormwater Ordinance has been followed. This would include other permits and approvals from outside agencies.

Stormwater Committee:

The Stormwater Committee is responsible for the overseeing of the programs implemented by each of the Certified Communities by the guidance of the Administrator of the County. Duties include hearing variances, and reviewing certifications for communities and specialists. The Stormwater Committee will also interpret the Stormwater Ordinance when required by a developer when a dispute in interpretation between the Administrator and the developer occur.

Section C: Requirements of the Qualified Review Specialist

General:

Qualified Review Specialists are an essential piece of the review of the stormwater management permits. They are responsible to ensure that the analysis is complete and founded, and complies with the ordinance and other agency requirements. The Review Specialist would coordinate the review process with all agencies and staff and once complete would provide the recommendation to the Administrator for their consideration. The Administrator will keep a listing of all Review Specialists that comply with requirements for either general review or as wetland specialists. The Wetland Review Specialist analysis would not be necessary if a permit from the COE is required.

Requirements for Qualified Review Specialists - Stormwater Planning:

A Qualified Review Specialist shall meet the following minimum requirements:

- Registered in the State of Illinois as a Professional Engineer

- Expertise in stormwater management by training and/or education
- Design and permitting of stormwater management facilities
- Experience with the identification of floodplains and floodways including familiarity with maps, policies and procedure of FEMA and IDNR-OWR
- Erosion and sediment control practices and procedures
- Construction practices and inspection procedures
- Completed Qualified Review Specialist form with PE seal and signature
- Filed Qualified Review Specialist statement form that is held by the Grundy County Land Use Department
- Paid current fee as prescribed by Resolution # _____

Requirements for Qualified Wetland Review Specialist:

A Qualified Wetland Review Specialist shall meet the following minimum requirements:

- Complete an approved wetland delineation course
- Hold a Bachelors degree in earth science, biological science or engineering together with at least one of the following types of experience in the Upper Midwest
- Personnel involvement in the design of a minimum of ten wetland mitigation areas
- Three full years of experience on wetland projects
- Completion of a minimum of at least 100 wetland delineations
- 300 hours of field review of wetland indicators or 6 years full time experience consulting on wetland projects
- Complete, sign, and professionally seal the Qualified Wetland Review Specialist Statement
- Paid current fee as prescribed in Resolution # _____
- Filed the Qualified Wetland Review Specialist statement form with the Land Use Department

As part of the submittal the applicant shall prepare a thorough explanation of experience which includes the following information:

- Education, granting institutions
- Work experience that includes work information such as the employer, position held, name and address of company, and length of employment. References shall be included that verify that this information is true and also the quality of the work while employed by that company
- Professional experience that provides all details of the type of work activities performed, professional licenses, certifications, and continuing education credits

The Administrator shall notify the applicant whether they will be included in the listing within 30 days of filing. If the applicant is denied, they may appeal the decision within 30 days with the Committee. Each appeal will receive a proper hearing in accordance with the ordinance.

Review Specialist Qualification Committee:

The Chairman of the County Board shall appoint a Review Specialist Qualification Committee (RSQC) shall hear all appeals from decisions that are made by the Administrator. The RSQC shall consist of three members from an annually updated listing of review specialist. The primary responsibilities of the RSQC are to:

- Hear appeals of disqualified applicants for appointment to the Qualified Review or Qualified Wetland Review Specialist list.
- Hear complaints from Administrator concerning investigations of failure of the specialist to discharge the duties properly.
- Serve copies of complaint records upon the specialist and all communities for whom the specialist has done reviews.
- Decide whether or not to suspend or revoke the certification of the specialist based upon the findings of the hearing.

Section D General Provisions:

Exempt or Grandfathered projects:

The Grundy County Stormwater Ordinance does not apply to those projects which were in process after the adoption of the code or effective date of the ordinance. Since projects take a considerable amount of money and time from the developers, legal counsel and engineering consultants. It is also a time consuming task for those reviewing the development documents such as staff of the municipality or county and their consultants.

The Stormwater Committee ultimately decides whether a project is exempt from the new provisions in the ordinance. By being exempt does not mean that the project is exempt from stormwater management requirements but would not need to come to strict compliance with the new provisions of the Stormwater Ordinance.

However, prior to this final determination from the Stormwater Committee, the municipality needs to consider all projects as being far enough along such that it would be a major endeavor to redo the analysis of the stormwater management project under the new provisions. To be considered exempt, the plan for the project must identify how stormwater from the project is to be managed and the communities review authority must concur that sufficient engineering has been performed and approved by the municipality showing that the plan is viable. In addition, if legally binding documents have been approved by the municipality and the developer that address stormwater management, these agreements would also be honored as long as those legal documents were approved prior to the adoption of the Stormwater Ordinance.

Each community that has a listing for consideration of exempt project must submit those as part of the annual application for certification. This listing included with the application would need to be applied for by January 1, 20____. The Stormwater Committee would review the listing and municipal or county projects from that representative zone and would have the right to remove a project. Removal from the list means the project will be reviewed individually. The Committee would pass the list through a simple motion but would require a majority vote for all removals of projects from the list.

Wetland dredging or filling that have not been completed in projects would not be exempt from these provision. The mitigation requirements would still be applied to these wetland areas regardless of any previous jurisdictional determinations by other agencies.

Regulations:

The Stormwater Ordinance is applicable equally to all municipalities and unincorporated counties. School Districts and local road projects are examples of units of governments which can develop a property without obtaining a stormwater management permit even when those entities exist within a Certified Community.

Certified communities issue their own stormwater management permits. The review however of the stormwater management documents and analysis would need to be completed by a Qualified Review Specialist as listed. However, if a wetland is part of the parcel to be developed the Certified Community must obtain a Grundy County Wetland Permit. Certified Communities may elect to have Grundy County review the wetlands subject to the regulations of the ordinance. Note that it is possible to have as many as three agencies issuing permits or wetlands on a development. Those agencies include:

- COE Permit
- Stormwater Management Permit by the Certified Community
- Wetland Permit issued by Grundy County

Note that a wetland permit by the County is not required if the wetland is not being filled or dredging or the wetlands impacted are all regulated by COE. The Certified Community Stormwater Permit will cover any wetlands remaining on-site.

Municipalities within more than one County:

The enabling legislation of this ordinance allows communities located within multiple counties to choose which county stormwater ordinance that it will adopt or certify as a community with. In order to opt for another county's stormwater ordinance, that county's stormwater ordinance needs to have its own stormwater management committee and plan in place. Legal counsel from Grundy County should be consulted in order to determine the best viable choice for that community.

Even though a community in multiple counties may elect to have its entire community included within the adoption of the Grundy County Stormwater Ordinance, it does not allow for Grundy County to enforce the ordinance beyond the legal limits of Grundy County. Only intergovernmental agreements may be used for enforcement of the ordinance.

When a Certified Community chooses to include its entire community as the area adopting the Grundy County Stormwater Ordinance, it will not be able to take any portion out after that time.

Section E Required Information for Stormwater Management Permit:

This section outlines a permit applicant's requirements for filing an appeal of either a permit denial or any special conditions attached to the permit approval. The Stormwater Committee is responsible for conducting a hearing and for documentation of all evidence. The applicant has the ability to appeal the decision of the Stormwater Committee to the decision making authority. Further appeal would be held through court proceedings under the Illinois Administrative Review Law.

Section F Certified Community Enforcement:

As defined previous Certified Community refers to any city, village or the County which has received approval of the Stormwater Committee for the delegation of authority for enforcement of the ordinance. The Certified Community receives the authority or permitting that the ordinance delegates with the exception of wetland permits. Permitting means that each community would have the ability to review issue and enforce these permits. If the development is located within this community that is in good standing with the Grundy County Stormwater Committee, and there are no wetland that are not under COE jurisdiction impacted, then a review from the County of that development is not necessary. All permits for wetlands under the authority of the COE would be permitted by the COE exclusively and again a review by the County would not be necessary.

In order to become a Certified Community a municipality would need to complete a Petition for Certification that would be due within 90 days from the adoption of the ordinance and every June following that application year. The Stormwater Committee would then be responsible for the review and approval of all petitions for certification within 60 days of receiving the filing.

Certified Communities are responsible for the keeping of all records pertaining to the certification. This will require that all developments that receive a stormwater management permit would have a specific record that would include the approval documents, and plans. All inspections and as-built drawings/plans would also need to be kept with that record, once available.

An annual report of all of the annual stormwater management permits shall be provided to the Administrator. A form included in Part Two is available that will aid in this records keeping and reporting.

Complaints against a Certified Community, the Administrator will direct those to the community. The Administrator will expect that full cooperation will be given to ensure that any complaints are resolved in a timely manner. Complaint investigation may require that all submittals for the project be provided to the Administrator for review. Field inspections of the site may also be required. The Administrator will make a final decision on the complaint and will require that the community come into compliance with the ordinance.

Section G Variances:

The ordinance cannot always include all situations that may occur during the development stages. Therefore variances are allowed in a few unique situations where some of the performance standards in the ordinance would not seem appropriate. For those situations the applicant would have the ability to ask for a variance. There are some performance standards that will not be varied where state and federal law would be imposed. It should also noted that if repeated variances that are similar in nature are requested by the Certified Communities, an ordinance amendment should be considered by the Stormwater Committee under the advisement of the Administrator.

Variance requests need to provide the following information:

1. Actual variance requested
2. Why the current ordinance cannot be met
3. What is the impact of the variance
4. Demonstration that the minimum variance is being applied for
5. All other standards have been met

The variance proceedings will include a public hearing in order to allow for all entities affected and the general public to openly provide comments. All property owners within 250 feet will need to be notified. A public notice must also be published that includes:

- 1) The specific location of the development, referencing nearby landmarks, streets, the Township, Section, Range and Quarter Section.
- 2) The name of any impacted waterway or wetland or appropriate designation if not name applies.
- 3) The name and mailing address of the applicant.
- 4) The name and mailing address of the permit applicant's agent.
- 5) A description of the development.
- 6) A statement of what performance standard is requested to be varied.
- 7) A statement of the proposed variance to the performance standard and what degree of compliance is being achieved in lieu of the full performance standard.
- 8) A location where plans and supporting documents for the proposed project may be viewed.
- 9) The effective date and the closing date of the public notice, and the name and mailing address of the person and organization to whom comments should be sent. The Administrator should be the individual to receive and respond to public comments.

The Administrator shall provide a statement in writing concerning the variance that includes their recommendation to approve or deny the variance. This statement from the Administrator will be provided along with the applicant's information to the Stormwater Committee for their consideration. All information concerning the variance shall also be provided to every Administrator within the effected watershed.

It should be noted that any variances on the provisions of non jurisdictional wetlands are made only by the County.

Section H Performance Security:

The developer is responsible for the posting of a performance security before any construction takes place. The form of the securities required is a decision that may be made by the Administrator although a letter of credit is preferred. When considering accepting the bond posted by a contractor to the developer the community should also consider whether the community has the right to draw on those bonds to be sure that they are adequately protected.

In order to develop the amount of the performance security a cost estimate for the construction costs of the stormwater facilities should be completed by the developers engineer and reviewed by the Qualified Review Specialist for accuracy. The costs would include but not be limited to mass grading, storm sewer, culverts, curb and gutter, stormwater structures related to the conveyance of and storage of run off, and subsurface drainage systems (not including sump pumps and down spouts). Once a review is completed the cost estimate will be given to the Administrator for their consideration.

The Administrator should also be provided a cost estimate for the soil erosion and sediment control systems. This will ensure that these systems will also be completed as directed in the approved plans.

When the County issues a permit for a non-jurisdictional wetland, an additional security will be required to ensure that when the mitigation option chosen is at a wetland mitigation facility. This security remains in effect until the wetland mitigation facility meets performance criteria, or may be drawn upon to meet mitigation for non-performance.

J. Application Forms; Checklists:

Application forms:

Stormwater Management Permit

Date Application Received: ____

Date Permit Issued: ____

Name(s), Address(es), day phone number(s) of Applicant(s):

Name(s), Address(es), day phone number(s) of Owner(s):

Indicate which submittals apply to application:

Application forms:

Check the applicable submittal:

Stormwater submittal: __

Flood plain submittal: __

Wetland submittal: __

No special management areas encroach the development: _____

Names, addresses and telephone numbers of all adjoining property owners within 250 feet of the development are to be provided on separate sheets. Each adjoining property owners name, common address and legal description need to be provided on those sheets.

Street address
1/4 Section, Township and Range

Community

Name of local governing authority
P.I.N.

Watershed planning area and tributary

Is any portion of this project now complete? ____ Yes ____ No, if "yes", explain in description portion.

I hereby certify that all information presented in this application is true and accurate to the best of my knowledge. I have read and understand the Grundy County Stormwater Management Ordinance, and fully intend to comply with those provisions.

Signature of Developer Date

I have read and understand the Grundy County Stormwater Management Ordinance, and fully intend to comply with those provisions.

Signature of Owner Date

Grundy County Stormwater Ordinance

Wetland Impacts and Mitigation Permit Application

Grundy County Land Use Department

1320 Union Street

Morris, IL 60450

(815) 941-3228, Fax (815) 941-3432

Certified Community: ____

Date Received: ____

Stormwater Application/Permit No. (assigned by community): __

Applicant name: ____

Address: ____

Day Telephone Number: ____

Fax Number: ____

Email address: ____

Owner name: ____

Address: ____

Day Telephone Number: ____

Fax Number: ____

Email Address: ____

Check all of the following conditions which are applicable to the project:

If the application contemplates mitigation for the wetland impact by the payment of a fee in lieu of mitigation, a permit fee of \$1,000.00 is required.

If the application contemplates mitigation for the wetland impact by the purchase of credits from a wetland mitigation bank system, the permit fee of \$1,000.00 is required.

If the application contemplates mitigation for the wetland impact within a proposed wetland mitigation facility, then a building permit fee of \$2,500.00 is required.

Provide a description of the proposed development:

Location of the development:

Street address: ____

Municipality: ____

Watershed and Tributary Effected: ____

Legal Description:

—

—

—

1/4 section

Township

Range

PIN: ____ - ____ - ____ - ____

Under Penalty of Intentional Misrepresentation and/or perjury, I declare that I have examined and/or made this application and it is true and correct to the best of my knowledge and belief, I agree to comply with all provisions of this ordinance. I realize that the information that I have affirmed forms a basis for the issuance of a wetland impacts and mitigation permit applied for and for the approval of plans in connection therewith shall not be construed to permit any activity upon said premises or use thereof in violation of any provision of any applicable ordinance or to excuse the owner or his successors in title from complying therewith.

Signature of applicant Date

Signature of owner Date

The following is for office use only.

Permit Fee: __ Date Received: __

Check Number: __ Received by: __

Mitigation Facility Costs: _____ Mitigation Bank Costs: _____

Fee-in-lieu Costs: _____

Performance Security: Date: _____ Security Type: _____ Amount: _____ Expiration Date: _____

Final approvals: Permit No. _____ Date: _____

Approved by/Title: _____

Notes:

CERTIFIED COMMUNITY FORM FOR EXEMPT PROJECTS

Name of Community/Unincorporated Area:

Name of the Project: __

Name: __

Address: __

Title: __

Check which condition for the exemption applies to the above listed project:

Substantial Development has commenced

Stormwater Development Plan provides:

- Minimum detention of 0.15 cfs/acre release rate
- Designed conveyance system for flow rates up to base flood with no damage
- Soil erosion and sediment control with Illinois Urban Manual

Provide below a description of the project including details of the site, area, drainage area, project purpose and the intended end use. Details should also include the estimated time until completion of the project:

Location of the proposed project: __

Name of Waterway Impact from project: __

Provide a copy of the legal description of the project.

I certify that the information submitted is accurate, true and complete for this review of exemption.

Signature of Submitter Date

Office Use Only

Municipal Approval _____

Signature __ Date: __

Approved by Village Board or Council: _____

Final Approval _____

Date: __ Signature: __

Administrator: _____

Special Conditions of the Exemption (if applicable):

CERTIFIED COMMUNITY ANNUAL FORM FOR PROJECT STATUS

Community: __ Date: __

Name/Title: _____

Address: __

Telephone No. (____) _____

Email Address: _____

Project Information:

Project Name: _____

Site Location: _____

Section/Township/Range: __

Check components that affect project:

Stormwater Floodplain Wetlands

Check Phase of Construction:

Preconstruction Construction Phase Post construction

Provide a description of the tasks completed during the year:

Provide a description of the tasks that may be completed during the following year:

I hereby certify that all tasks completed during this year comply with the Grundy County Stormwater Management Ordinance, and that all information presented in this submittal is true and accurate to the best of my knowledge.

Signature of Submitter _____ Date _____

GRUNDY COUNTY STORMWATER MANAGEMENT SUBMITTAL CHECKLIST

Applicant: _____

Reviewer: _____

Stormwater Permit No.: _____

The following tables contain checklists of the requirements that will be used toward the review for a stormwater management submittal. Not all of the requirements listed will pertain to each project. If the requirement does not apply to the subject project please provide an explanation in the comment box provided, or on additional sheets provided in the submittal.

PROJECT OVERVIEW

Identifier

Requirement

Comments

1A

Completed Stormwater Permit application

1B

Copy of a completed Joint Application form with transmittal letters to the appropriate agencies (wetland or floodplain submittals)

1C

Copies of other relevant permits or approvals (includes applications if permits have not been issued)

1D

Narrative description of development, existing and proposed conditions, and project planning principles considered, including BMPs utilized

1E

Subsurface drainage investigation report

Name of Applicant: _____

Signature: _____ Date: _____

Name of Reviewer: _____

Signature: _____ Date: _____

Project Information:

Project Name: _____

Site location: _____

Legal Description Attach.

Size of parcel: _____

Please check the following activities that would apply to this project:

Residential Commercial Industrial Agricultural

Other (stipulate _____)

The site has the following constraints:

Floodplain Floodway Wetlands

Qualified Review Specialist Signature: _____

Print Name: _____

Date: _____

Qualified Wetland Review Specialist Signature:

Print Name: _____

Date: _____

STORMWATER SUBMITTAL

Identifier

Requirement

Comments

2A

Narrative description of the existing and proposed site conditions. Include description of off-site conditions.

2B

Schedule for implementation of the site stormwater plan.

Site runoff calculations:

2C

Documentation of the procedures/assumptions used to calculate hydrologic and hydraulic conditions for the sizing of major and minor systems.

2D

Cross-section data for open channels.

2E

Hydraulic grade line and water surface elevations under design conditions.

2F

Hydraulic grade line and water surface elevations under base flood conditions.

2G

Site runoff and storage calculations.

2H

Calculation of hydraulically connected impervious area and corresponding retention volume.

2I

Documentation of the procedures/assumptions used to calculate hydrologic and hydraulic conditions for determining the allowable release rate.

2J

Documentation of the procedures/assumptions used to calculate on-site depressional storage.

2K

Documentation of the procedures/assumptions used to calculate hydrologic and hydraulic conditions for determining the storage volume.

2L

Elevation-area-storage data.

2M

Elevation-discharge data.

FLOODPLAIN SUBMITTAL

Identifier

Requirement

Comments

3A

Regulatory floodplain boundary determination

3B

Provide source of flood profile information

3C

Provide all hydrologic and hydraulic study information for site-specific floodplain studies, unnumbered Zone A area elevation determinations, and floodplain map revisions

3D

Floodway hydrologic and hydraulic analyses for the following conditions:

3E

Existing conditions (land use and stream system)

3F

Proposed conditions (land use and stream system)

3G

Tabular summary of 100-year flood elevations and discharges for existing and proposed conditions

3H

Calculations used for model development

3I

Floodplain fill and compensatory storage calculations for below and above 10-year flood elevation

3J

Tabular summary for below and above 10-year flood elevation or fill, compensatory storage, and compensatory storage ratios provided in proposed plan

3K

Floodproofing measures

3L

Narrative discussion of flood proofing measures including material specifications, calculations, design details, operation summary, etc.

3M

Flood easements when required by the countywide ordinance or local jurisdiction

WETLAND SUBMITTAL

Identifier

Requirement

Comments

4A

Wetland delineation report (COE format)

4B

Calculation of required buffer (including width, size and vegetation quality)

4C

Wetland delineation plan view drawing

4C1

Location of existing and proposed impacted or undisturbed wetlands

4C2

Location of buffers

4C3

Planting plan for buffer area

4C4

Identify all required wetland management activities

4C5

Submittal to the USACOE for permit application

PLAN SET SUBMITTAL

Identifier

Requirement

Comments

5A

All drawings should be signed and sealed by a PE registered in the state of Illinois

5B

Site Topographic Map

5B1

Map scale at 1 in = 100 feet accurate to +/- 0.5 feet

5B2

Existing and proposed contours on-site and within 100 feet of the site

5B3

Existing and proposed drainage patterns and watershed boundaries

5B4

Delineation of pre- development regulatory floodplain/floodway limits

5B5

Delineation of post- development regulatory floodplain/floodway limits

5B6

Location of cross-sections and any other modeled features

5B7

Location of drain tiles

5B8

Location of all wetlands, lakes, ponds, etc, within normal water elevation noted

5B9

Location of all buildings on the site

5B10

Nearest base flood elevations

5B11

FEMA and Grundy County benchmarks

5C

General Plan View Drawing(s)

5C1

Map scales at 1 in = 100 feet and accurate to +/- 0.5 feet contour interval

5C2

Existing major and minor stormwater systems

5C3

Proposed major and minor stormwater systems

5C4

Design details for stormwater facilities (ie structure and outlet work details drawings, etc)

5C5

Scheduled maintenance program for permanent stormwater facilities including BMP measures

5C6

Planned maintenance tasks and schedule

5C7

Identification of persons responsible for maintenance

5C8

Permanent public access maintenance easements granted or dedicated to, and accepted by a government entity

5D

Sediment/Erosion Control Plan

5D1

Sediment/erosion control installation measures

5D2

Existing and proposed roadways, structures, parking lots, driveways and other impervious surfaces

5D3

Limits of clearing and grading

5D4

Wetland location(s)

5D5

Proposed buffer location

5D6

Existing soil types, vegetation, and land cover conditions

5D7

List of maintenance tasks and schedule for sediment/erosion control measures

5E

Vicinity Topographic Map

5E1

Vicinity topographic map for entire area upstream of the development site and downstream to a suitable hydraulic boundary condition

5E2

A two foot contour map is preferred at a scale readable by the reviewer

5E3

Watershed boundaries for areas draining through or from the development

5E4

Soil types, vegetation and land cover affecting runoff upstream of the site for any area draining through the site

5E5

Location of development site within the major watersheds

SECURITY SUBMITTAL

Identifier

Requirement

Comments

6A
Estimate of Probable Cost to construct stormwater facilities

6B
Development security

6B1
Schedule for the completion of stormwater facilities

6B2
Irrevocable letter of credit for 120% of the estimated probable cost to construct the stormwater facilities

6B3
Right to draw on the security statement - signed by the holder of the security

6B4
Right to enter the development site to complete required work that is not completed according to the schedule

6B5
Indemnification statement - signed by developer

6C
Sediment and erosion control security

6C1
Irrevocable letter of credit for 120% of the estimated probably cost to install sediment and erosion control facilities

6C2
Right to draw on the security statement - signed by the holder of the security

6C3
Right to enter the development site to complete required work not completed according to the work schedule

6D
Letter of Credit Requirements

6D1
Statement that indicates that the lending institution capital resources is at least \$10,000,000

6D2
Lending institution has an office location within the Chicago Metropolitan Area

6D3
Lending institution is insured by the Federal Deposit Insurance Corporation

6D4
Allows Administrator to withdraw without consent of the developer

6D5
Allows Administrator to withdraw within 45 days of the expiration date of the letter of credit (as shown below)

ON BANK LETTERHEAD

IRREVOCABLE LETTER OF CREDIT

Amount: U.S. \$ _____

TO: _____ Date: __

Issuer: __

Letter of Credit No.: __

Developer: __

Subdivision: __

Unit No.: __

Expiration Date: __

Ladies and Gentlemen:

We hereby issue this Irrevocable Letter of Credit in your favor up to the aggregate amount of _____ (\$ _____) Dollars for the account of _____.

This Letter of Credit is issued for the purposes of:

- A) Facilitating the construction of subdivision improvements and dedications for the above stated unit and subdivision, including, but not limited to, streets, curbs, gutters, waste water sewers, improvements as set forth in the drawings, specifications, plats and engineering required by the _____ and all applicable Ordinances (the "improvements");
- B) Securing obligations contained in an Annexation Agreement between the _____ and _____;
- C) Providing funds for uncompleted Improvements;
- D) Securing fees, dedications and contributions associated with such subdivision.

These funds are fully available by your drafts drawn on us at sight and accompanied by the following documents:

1. Statement signed by an authorized official of the (Village/City/County) certifying that the amount drafted represents all or a portion of the funds required to complete or corrects Improvements in accordance with the approved subdivisions plans or specifications or comply with such other requirements of the Village including those provided herein.

2. Copy of written notice to us, as an issuer, dated not less than ten (10) days prior to the date of your draft(s) hereunder describing the specific work yet to be performed or to be corrected or describing such other basis for the withdrawal of the amount drafted; and
3. Statement setting forth that drafts drawn hereunder are attributable to Unit ___ of _____ (Subdivision), secured by _____ (Issuer Name), _____ (Letter of Credit No.).
4. The original of this Letter of Credit.

Notwithstanding the foregoing, this Letter of Credit shall remain in full force and effect for a period of One Hundred and Twenty (120) days after written notification by the issuer to the (Village/City/County) is received, it being understood that the affirmative action of the issuer in forwarding written notice by certified or registered mail, return receipt requested (or by receipted hand delivery) is required prior to expiration of this Letter of Credit. In addition to the foregoing, all drafts may be submitted for payment for a period of ninety (90) days following the expiration date of this Irrevocable Letter of Credit as provided herein and such draft shall be fully honored during the ninety (90) days in accordance with the terms and provisions herein contained.

This Letter of Credit may be reduced to such amounts specified in writing from time to time by the (Village/City/County). The Issuer and developer agree that by reducing the amount of this letter, the (Village/City/County) is not accepting any Improvements or otherwise waiving any rights it may have.

Provided that the (Village/City/County) complies in a timely manner with the draft requirements in numbered paragraphs 1, 2, 3, and 4 above if we fail to honor drafts drawn on this Letter of Credit in addition to all other damages which are limited by the amount of this Letter of Credit, we shall also pay the (Village/City/County) all reasonable attorney and expert fees; court costs and all other expenses incurred by the Village.

This Irrevocable Letter of Credit shall not operate as a limitation upon the obligation of _____ to install all Improvements required by the (Village/City/County) and otherwise comply with all its other obligations including the purposes for which this Letter of Credit is issued.

This Letter of Credit is subject to applicable provisions of the Uniform Commercial Code of the State of Illinois (810 ILCS 5/5-101 et seq.)

ATTEST: Sincerely,

By: _____ (Bank Name)

By: _____

Title: _____

VARIANCE SUBMITTAL

Identifier	Requirement	Comments
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7A

Completed Stormwater Permit Application and all required submittals

7B

Completed variance petition including all information identified

7C

Statement as to how the variance sought satisfies the standards. Each condition needs to be addressed separately

INSPECTION CHECKLIST DURING CONSTRUCTION

- 1) Is the sediment and erosion control system installed as shown in the construction drawings and documents?
- 2) Has the developer been maintaining the erosion control system after rain fall events?
- 3) Is there evidence of sediment being carried down stream from the development site at the project boundaries? If so, the sediment erosion control system requires correction immediately.
- 4) Are there provisions for handling off site flows into the construction site without increasing upstream water surface elevations?
- 5) Is there adequate stormwater storage provided in sedimentation basins? Is there functional detention storage being provided for the development as it is being constructed?
- 6) Are there adequate provisions in place for the preservation of existing wetlands during the construction of the development during construction such as fencing and sediment and erosion control measures to limit both vehicle access and the impact of sediment from the construction site?
- 7) If culverts or bridges are part of the construction of the development are they being constructed in a manner to prevent the least disturbance of the aquatic resource?
- 8) Are buffers clearly delineated for areas requiring protection that will prevent construction vehicles and other construction activities from taking place in that area?
- 9) Are any required restrictor structures installed for the conveyance system?
- 10) Are sediments being removed from basins and disposed of properly on site in a manner that does not promote their reintroduction into the stream system?
- 11) Are the limitations provided in the field that limit the area that should be worked in being followed?

INSPECTION CHECKLIST AFTER CONSTRUCTION

- 1) Are required stormwater detention/retention facilities in place and generally as they appear on the as-builts from the permitted plans?
- 2) Are any required restrictors in place and is the outlet control structure generally "clean"?
- 3) Are any required on site buffers around wetlands in place and free from prohibited activities?
- 4) Are there any signs of failed construction?

- a. Settlement of berms.
- b. Slope instability.
- c. Accumulated sediment in detention/retention facilities.
- d. Questionable conditions at facilities related to retaining walls.
- e. Adequate stabilization of surfaces - i.e., stand of grass or other stabilizing means.

__ 5) Have 'record drawings' been submitted and reviewed?

K. Appendix J: Grundy County Technical Guidance Manual For Best Management Practices:

Section A - Retention Best Management Practices

The purpose of the Grundy County Technical Guidance Manual for Best Management Practices is to supplement the Stormwater Ordinance by providing background, detail and intent of BMP's in accordance with the Ordinance. This BMP's manual provides information on the more common forms of BMPs that are currently being used. This manual does not limit the type of BMPs that may be used for stormwater projects as the design of these facilities is ever evolving.

This portion of the appendix provides guidance on a number of retention based stormwater BMPs that can be used to meet the Grundy County retention standard. The BMPs that are outlined in this section include:

- Permeable Interlocking Concrete Pavements
- Rain Gardens
- Infiltration Trenches
- Level Spreader and Filter Strips
- Naturalized Stormwater Basins

Guidance for each of these BMPs is provided in subsequent sections and provides for design assistance to be used by professionals in the implementation of the stormwater provisions of the Grundy County Stormwater Ordinance.

Terminology: There are many terms that are used to describe the various stormwater management practices that are in use today. Therefore in order to aid in the variation of definitions that may be available, the following is a short glossary of the terms in random order.

Detention: Temporary storage of stormwater runoff with a slow controlled release from the pond. Basins are used for this capture of the stormwater and are filled through orifices, weirs, and other structures that control the discharge rate from the storage facility. The Grundy County release rate is a detention standard. There are different types of detention ponds as described below:

- a) **Dry detention basins:** Detention basins that remain dry between events due to the outlet control structure being located at the bottom of the basin. The basin is shaped in order to direct all of the stormwater runoff to this drain.
- b) **Wet detention basins:** These basins include a permanent pool of water that is designed to remain within the basin. In these facilities the outlet control is located above the bottom of the exaction. These basins are used for aesthetic purposes and recreational.
- c) **Wetland detention basins:** These detention ponds are constructed such that wetland plantings are able to thrive and grow. These are created or man made wetlands as no naturally occurring wetlands would be allowed to be used as detention areas. The detention ponds are constructed by different methods but all have fairly shallow bottoms to allow for wetland species to grow.

Retention: In relation to stormwater, retention is the opposite of surface discharge. Retention systems do not allow the stormwater runoff to leave the site. The stormwater therefore stays on site and is infiltrated into the grounds, evaporated, or reused on the site itself. These systems provide stormwater management in a way that is similar to the natural water cycle as it releases the water back into the environment or allows for absorption back into the water table and eventual deep aquifers. Retention water is collected and used for greywater reuse. The stormwater is reused for irrigation purposes.

Infiltration: This refers to the introduction of runoff water into the underlying soil. Infiltration facilities typically provide temporary storage for slow absorption based on the type of stormwater event that is being experienced.

Bioretention: This is a special best management practice that temporarily stores runoff water within the soil or vegetative strip that is eventually dissipated into the atmosphere through evaporation. One such facility would be a rain garden that would have impervious soils or green roof systems.

Bioinfiltration: Bioinfiltration is a special class of retention that temporarily store runoff water for infiltration.

Below is a table indicating the type of facilities that may be used for detention or retention.

BMP Facility	Retention			
	Detention	Infiltration	Bioretention	Bioinfiltration
Detention Basin	x			
Infiltration basin		x		
Infiltration trench		x		
Permeable pavement	x	x		
Green Roof	x		x	
Rain Garden		x	x	x
Bioswale		x	x	x
Filter strip			x	x

Combination Facilities: There are a lot of systems that provide a combination of detention and infiltration. For example rain gardens are shallow depressions lined with amended topsoil that also have a bottom layer of gravel or sand that serves as a storage/drainage layer. Bioswales are similar with the exception that they are long and linear and act as a conveyance tool along with having the ability to store stormwater. Green roofs provide for infiltration while also retaining a considerable amount of runoff.

Section: PERMEABLE INTERLOCKING CONCRETE PAVERS:

A. General Description

Permeable interlocking concrete pavement represents one type of porous pavement. These pavers are pre-cast units that have openings or large crevices (expanded joints) formed into them. These expanded joints are spacers that are part of the mold that is part of the casting of these pavers and functions to allow stormwater to permeate or flow into these crevices thus being an integrated part of the stormwater management. Products vary as do the width and openings of these pavers based on the yield or openings desired during the design phase of the project and determines the rate at which water can be infiltrated through the porous paver surface.

Porous pavers are usually part of other BMP methods that are included in the stormwater management design. For example a permeable paver parking lot may discharge into a bioswale management area and then eventually into a man made wetland facility or rain gardens.

B. Applications

Permeable pavements may be used for parking lot installation as well as walkways and courtyard installations. Other uses include:

- Patios
- Driveways
- Plazas
- Terraces
- Emergency access areas
- Boat ramps and landings for residential uses

C. Benefits

As the pavers provide a decentralized stormwater tool it has the ability to reduce the amount of volume capacity required in downstream detention facilities. These systems are aesthetically pleasing and allow landscape architects to be incorporated into the design of the stormwater management facilities that will cater to the developers desires while providing the required volume needed.

D. Limitations

Based on the nature of the porous pavement the following is recommended:

- Drain time limited to 24 hours to ensure structural integrity of the subgrade of the system.
- Contributing watershed should not exceed 20% of the area of the porous pavement installation.
- The porous pavement systems should be installed such that it is above the seasonal high ground water table and at least 10 feet down slope and 100 feet up slope from building foundations unless waterproofing is provided and direct drainage to footing drains can be prevented.
- Investigation into the bedrock condition of the soil should be considered as this may cause conditions that may lead to sink holes.
- Highly expansive clay soils should be avoided for installations unless an appropriate drainage system is provided to collect and dispose of excess stormwater in a controlled fashion.
- Not recommend for gas stations, recycling facilities, salvage yards, ag chemical storage, well fields and commercial marinas and similar uses where contamination to the stormwater that cannot be filtrated through natural methods may be achieved. Designs that incorporate a lined system may be considered in these instances.

E. Required Data for Submittal and Review

There are three basic data sets that need to be provided in the review and eventual approval of these systems. The following lists those sets and provided a brief explanation of what will be required for submittal and why:

1. Infiltration capacity and suitability of soil subgrades

The volume of the runoff that may infiltrate into these permeable systems is depended on the infiltration capacity of the subsoils over a specific period of time. This capacity along with the contributing watershed and subgrade strength will help to determine the drainage and structural design for the porous pavement. Soil analysis shall be provided that includes density test reports, and classification. The reports should also include results of a hydraulic conductivity test that is performed at the location intended for this system and the elevation of the proposed bottom of the pavement to establish the site-specific permeability rate (double ring infiltrometer test per ASTM D3385, lab test per ASTM D2434 through a Shelby tube sample or other method approved by the review specialist).

2. Seasonal high water table:

Information shall be provided if the water table for the site is high. This determined elevation for seasonal conditions will be incorporate into the design such that the level of the bottom of the porous pavement will be at least three feet above this level or elevation. By doing so the potential for shallow water contamination from this first level stormwater filtration system will be avoided.

3. Contributing Drainage Area:

Along with the infiltration capacity, the drainage area and the level of ability for that area to be permeated with stormwater will determine the type of porous pavement needed in the stormwater management system.

RAIN GARDENS

A. Description

Rain gardens are shallow excavated depressed areas that may be located in all land uses (residential, commercial and industrial). The rain gardens function by allowing sheet drained or direct discharge stormwater into the functional area thus providing some of the runoff function while being an

aesthetic portion to the property. Vegetation is grown for the conditions in that area and functions to filtrate and cleanse the water through deep rooted plants and their microorganisms located in the root zone.

Rain gardens are an intricate form of biofiltration measures designed to filter and/or infiltrate runoff through a vegetated soil surface. Rain gardens function alone or part of other BMP's. Bioswales located within parking lot islands are often referred to as biofiltration swales and these are also considered linear rain gardens.

B. Applications

Rain gardens provide function in the form of many uses such as the following:

- Residential gardens/yards
- Commercial development landscape plans
- Parking lot landscape islands
- Parkways/right of ways areas along streets
- Median strips

C. Benefits

Rain gardens aid in areas that are prone to flooding and cleanse water in areas where eventual outfall of the stormwater may be wetlands, streams, and lakes. Rain gardens also benefit in the function of the following uses:

- Reduces the amount of stormwater volume and rates from point discharge areas such as roofs, pavements and lawns.
- Recharges groundwater and sustains flows to natural bodies of water.
- Prevents nutrient stripping due to erosion.
- Reduces the amount of water usage for gardens, maintenance of lawns, and helps in the cost of typical stormwater management infrastructure.
- Assists in the required onsite stormwater management requirements.
- Provides aesthetic value to property while improving habitat.

D. Limitations

Rain gardens are limited such that they should not be incorporated in areas that are prone to heavy sediment loading, and potential contaminated runoff to avoid further groundwater contamination such as heavy industrial users such as fueling and hazardous material storage facilities.

Drain time for the gardens should be limited to twelve hours to ensure longevity of the vegetation and prevent potential complaints about standing stormwater. Using the same consideration, rain gardens should not be placed above septic fields and should be located such that they are one hundred feet from well head locations. Location of these gardens should also be considered in regard to foundations of buildings. The garden should be located such that it is at least ten feet down slope from building foundations unless adequate waterproofing is provided and direct drainage to footing drains are provided.

E. Required Design Data

1) Soil Type and Permeability

The design professional should provide for review of the soil type and permeability to determine the volume of stormwater runoff that may be infiltrated from the rain garden into the ground over a given time. The infiltration capacity and the amount of volume from the watershed will determine the size of the rain garden being considered. It is recommended that a hydraulic conductivity test be performed at the location and elevation of the proposed rain garden bottom to establish the site specific permeability rate. Such test standards for this testing include the double ring infiltrometer test per ASTM D3385, lab test per ASTM D2434 through a Shelby tube sample, or a Falling Head Percolation Test. The data achieved from any of these tests will provide the design professional the means for determining the sizing and proper design of the rain garden.

2) Seasonal High Water Table

In areas where the water table is known to be high, the design professional shall ensure that the invert of the water garden is at least three feet above the seasonal high water table to provide adequate runoff treatment prior to discharge into shallow ground water.

3) Contributing Drainage Area and Imperviousness

Along with the infiltration capacity, the drainage area and level of imperviousness that contributes to the rain garden are needed to determine the size depth, and materials need for the construction of the rain garden.

INFILTRATION TRENCHES

A) Description

Infiltration trenches are excavations that are filled with open aggregate that functions as a stormwater storage facility for runoff. These trenches may be incorporated with other BMPS such as rain gardens or vegetated swales. The swales are then filled with topsoil and native plantings and grasses are added to provide for clarifying effects of the stormwater and aesthetic purposes. The size and shape of the trench does not need to be rectangular in fashion but simply needs to function as an area that provides runoff volume control, recharges shallow ground water and provides flow control. When needed an under drain may be provided that will allow for additional stormwater to be alleviated from the site.

B) Applications

Infiltration trenches improve the retention capacity by increasing the storage volume available for infiltration, increasing the allowable drain time, and may facilitate connection to lower lying soil horizon that has a better infiltration capacity. In this case the trench functions as a linear dry well. It should be noted that the invert of this trench should be separated such as to minimize the ground water contamination.

Typical uses:

- Commercial
- Residential

- Mixed-use development
- Areas within the development such as parking lots that lend to a narrow passage design
- Parking lot islands

Note that uses should not exceed a five acre area.

C) Benefits

- Good pollutant removal ability.
- Facility has ability to recharge area and improve and sustain base flows to natural tributaries.
- Reduces the total amount of runoff volume and subsequent reduction of potential flooding and associated bank and shoreline erosion in discharge areas into wetlands, streams and lakes.
- Has retention capacity abilities through penetration of shallow soil horizons that have a low permeability.
- Decentralization of stormwater systems.

D) Limitations

Infiltration trenches are subject to clogging based on the amount of sediment loading or potential contamination sources that may impact recharge water. The basic premise is that these types of facilities should not be considered if the sediment load in upstream areas cannot be controlled. The following are uses that should not be considered for this type of infiltration facility:

- Manufacturing
- Automobile service facilities
- Agricultural sites
- Plant nurseries
- Agricultural sites

To minimize the effects from any of these types of uses, the invert of the infiltration trench must be separated from the seasonal high ground water table. For example infiltration trenches should be separated from private wells by at least 100 feet and be located at least 10 feet down slope and 100 feet from the upslope of building foundations. In addition the contributing watershed to the trench should not exceed two acres. Infiltration devices should not be located to high and steep slopes where seepage could destabilize the slope nor should the contributing watershed for the trench exceed two acres.

E) Required Design Data

Soil Type and permeability shall be investigated under the infiltration trench. The information provided shall provide the amount of volume of runoff that can be infiltrated into the ground over a given period of time. This capacity along with the porosity of the aggregate fill, the required drain time, and the contributing watershed will provide enough data such that the dimensions and design of the infiltration trench may be determined.

A hydraulic conductivity test is also recommended to be performed at the site where the infiltration trench invert is to be located to establish the site-specific permeability rate. Two of these tests shall be performed per infiltration trench. If the trench is longer than 100 feet in length, one additional sample per 100 feet shall be completed according to common practice. The hydraulic conductivity test shall conform to the double ring infiltrometer test per ASTM D3385, lab test per ASTM D2434 through a Shelby tube sample or a Falling Head Percolation Test.

The location of the invert shall be at least three feet or higher from the seasonal high water table to reduce the potential for shallow ground water contamination.

LEVEL SPREADER AND FILTER STRIPS

A) Description

Level spreaders are filter strips that represent two separate BMP's that have been combined to provide an effective method to management and treatment of stormwater runoff. Filter strips along an urban area are not as effective against the concentrated amount of stormwater runoff that can cause erosion issues. By implementing a level spreader the watershed is slowed in volume and velocity such that a filter strip will function accord to design.

The level spreader functions by receiving concentrate points of stormwater discharge and dissipating this flow into a uniform surface sheet flow. This concentrated flow may be received through subsurface structures such as perforated pipes or surface structures such as curb cuts. By reducing the point discharge into a sheet flow reduces the erosion and scouring that may occur and prepares the stormwater for the filter strip for the combined BMP arrangement.

The filter strip functions by receiving this stormwater and is sloped to allow the stormwater to drain slowly into the strip to provide removal of pollutants and allow for infiltration of the shallow water table for recharge purposes. Filter strips are planted with native prairie grasses and forbs that improve the water quality through the long roots that these plants provide.

B) Applications

Filter strips can be applied in many urban uses and are suited well for the following uses:

- Residential development
- Commercial development
- Campus type development
- Industrial development

These strips are well used as part of the entire landscape design and are used commonly to treat stormwater from parking lots. The slopes on the vegetated strips should be less than 5% to prevent the potential of soil erosion issues. With applications concentrated runoff can be discharged into a perforated distribution pipe within the level spreader trench. The perforated pipe then distributes the runoff over the entire length of the level spreader.

C) Benefits

In addition to the ability of the level spreaders to prevent erosion control and scouring and also cleanse the stormwater prior to entering into another watershed through native plantings they also cool the stormwater. For example if the stormwater source is from a parking lot the stormwater would be heated and the level spreader would have the ability due to slowing the volume to cool that temperature.

Having this uniform flow provides for infiltration and filtration abilities and also provide for an effective buffer between developments and sensitive areas such as streams, wetlands and lakes.

Filter strips may be used as a portion of the standard retention requirements that are required within the ordinance.

Both the filter strips and the level spreader facilities are low cost BMP's that provide cost savings to the developer as compared to maintenance of other conventional landscape treatments such as turf grass.

D) Limitations

Impervious areas connected to filter strips are limited in size such that they can not be more than two or three times the actual filter strip area. By limiting the size of the impervious area impact the stormwater runoff is more insured to filter and reduce the volume of the stormwater unless the flow rates are controlled upstream of the filter. The length of the impervious areas is limited such that it does not exceed 200 feet. These facilities are also limited in areas that are prone to heavy foot or vehicular traffic. This type of loading onto the strip will damage the native vegetation and also cause soil compaction which slows the amount of absorption and infiltration capacity.

Filter strips are also not suitable for hilly or highly paved areas because of high runoff velocities. The design engineer may choose in these areas to have several level spreader areas within the filter strip application to allow for gradual flow conditions. It should also be noted that areas that are to be considered for a filter strip application should not be subjected to the application of fertilizers and pesticide.

Economically, level spreaders and filter strips may not be the best choice if the development is highly dense and the land values are high.

NATURALIZED STORMWATER BASINS

A) Description

Naturalized detention ponds are those ponds that retain water and will allow for the designer to add wetland plantings that will clarify the stormwater and allow for better infiltration and more quality recharge. The emergent plantings coming out of the bottom of the basin or wet area of the pond shall be planted on a slope that allows for growth of these plantings. The vegetation being deep rooted will provide a good method to stabilize the side slopes and also deters geese population due to the appearance of being a home to their natural predators, the fox etc.

Two basic naturalized basin designs will be discussed: wet basins that consist primarily of open water with shallow emergent wetland shelves around the perimeter of the open water habitat and also a wetland system that provides a shallow marsh habitat. Naturalized basins can be designed to combine a variety of marsh, ponds and shallow marsh habitats into one management facility that provides differing zones or regions.

Stormwater basins that are designed with naturalized plantings and systems are usually incorporated into other stormwater BMP's such as infiltration trenches and filter strips as a pretreatment measure to reduce the sediment loads and water level fluctuations within the basin.

B) Applications

Naturalized stormwater basins are essentially just a variation of the detention ponds and may be used in the following uses:

- Any development where stormwater management is necessary in residential, commercial or industrial use groups.
- Naturalized basins are part of the landscape plan of developments that add to the aesthetic nature of that development.

C) Benefits

The following are ways that naturalized detention ponds are beneficial to stormwater management.

- Enhancement of vegetation diversity and wildlife habitat in urban settings.
- Increased pollutant removal efficiencies due to the settlement of particulate matter and biological uptake by wetland plants.
- Wet basins are better able to prevent settled pollutants from washing back out of the basin during subsequent heavy rainfall periods.
- Environmental benefits for connecting downstream tributaries, wetlands and lakes by reduces the runoff rates, improvement of water quality and also prevention of increased downstream flooding associated with development.
- Improved aesthetic features for the development and a valued open space commodity.
- Low maintenance costs.

D) Limitations

- Large land area required for the construction of these facilities.
- Can be expensive depending on the other BMP's that are incorporated into the design of the facility.
- Pollutant removal efficiencies are limited until vegetation is established.
- Less pollutant removal during non-growing season.
- Potential habitation by invasive species. This would require that maintenance in control burns would need to take place to keep the invasive species controlled and allow for natives to thrive.
- Construction sites, agricultural or uses that would provide concentrated amounts of silt and sediment shall be avoided when these systems are installed as this may cause plant stabilization issues. However, once construction ceases the banks may be stabilized with native species.
- Source pollution areas such as industrial, refueling and toxic areas shall not incorporate these naturalized detention facilities due to the potential of contamination of downstream watersheds and also recharge into ground water.

(Ord. 2016-003, 3-8-2016)

SIGNS

SECTION:

8-5-0: Intent

8-5-1: Applicability

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8-5-5: General Design And Placement Of Signs

8-5-6: Structural And Safety Requirements For Signs

8-5-7: Sign Maintenance, Alterations, And Modifications

8-5-0: INTENT:

This chapter provides uniform sign standards that promote the safety of persons and property, provide for an efficient transfer of information in sign messages, and protect the public welfare by enhancing the appearance and economic value of the landscape. Specifically, these standards are intended:

- A. To regulate, classify, restrict, and control the location, size, type, and placement of all signs and sign structures;
- B. To eliminate and prevent excessive and confusing sign displays that do not relate to the premises on which they are located;
- C. To preserve the natural beauty and environment of the county;
- D. To safeguard, stabilize, and enhance property values;
- E. To protect public and private investment in buildings and open spaces;
- F. To ensure a consistent and appropriate aesthetic environment; and
- G. To protect the public health, safety, and general welfare. (Ord. 10-001, 1-12-2010)

8-5-1: APPLICABILITY:

Any sign within the county that is located outside the corporate limits of any city, village, or incorporated town shall be subject to these regulations. All construction, relocation, enlargement, alteration, and modification of signs within the county shall conform to the requirements of this chapter, all state and federal regulations concerning signs and advertising, the international building code, and the national electric code. (Ord. 10-001, 1-12-2010)

8-5-2: PURPOSE:

The sign ordinance is intended to establish a comprehensive and balanced system of sign control that accommodates the need for a well maintained, safe, and attractive community and the need for effective communications including business identification. It is the intent of this chapter, to promote the health, safety, general welfare, aesthetics, and image of the community by regulating signs that are intended to communicate to the public and to use signs which meet the county's goals by authorizing:

- A. Permanent signs which establish a high standard of aesthetics;
- B. Signs that are compatible with their surroundings;
- C. Signs that are designed, constructed, installed and maintained in a manner that does not adversely impact public safety or unduly distract motorists;
- D. Signs that are large enough to convey the intended message and to help citizens find their way to intended destinations;
- E. Signs that are proportioned to the scale of, and are architecturally compatible with, principal structures;
- F. Permanent signs which give preference to the on premises owner or occupant; and
- G. Temporary commercial signs and advertising displays which provide an opportunity for grand openings and occasional sales events while restricting signs that create continuous visual clutter and hazards at public right of way intersections. (Ord. 10-001, 1-12-2010)

8-5-3: EXEMPT AND PROHIBITED SIGNS:

8-5-3-1: SIGNS ALLOWED WITHOUT A PERMIT:

The provisions of this chapter do not apply to the following types of signs, provided, however, they shall remain subject to safe construction and electrical standards as specified by the applicable code(s):

- A. Official Signs: Government signs, not exceeding thirty two (32) square feet of sign area, that are erected or maintained pursuant to and in discharge of any governmental function, whether located on owned or leased property.

B. Private Directional Signs: Private traffic control signs that are freestanding, do not exceed six (6) square feet in sign area, and contain no advertising. These signs are intended solely for the purpose of directing the movement of traffic, warning of obstacles or overhead clearances, and/or providing directions to parking areas, entrances, exits, drive-through windows, or similar directions.

C. Agricultural Crop Signs: Temporary signs customarily displayed by agricultural seed and fertilizer companies on farms to advertise their products.

D. Utility Markers: Utility and hazard signs marking utility or underground communication or transmission lines and hazards.

E. Political Signs: All signs containing a political message, such as a campaign or political sign.

F. Identification Plaques: Historical and commemorative plaques for recognized historic properties, societies, and organizations, if the signs are less than fifteen (15) square feet in sign area.

G. Vehicle Signs: Signs displayed or used on motor vehicles and trailers, unless the vehicle or trailer is located on a property to serve the similar purpose of a permanent sign or portable sign.

H. Athletic Field Signs: Signs located on the field side of scoreboards and fences of athletic fields.

I. Flags: Flags complying with the provisions below are exempt. Flagpoles, however, are not exempt; they are subject to certain setback provisions contained in this title pertaining to the obstruction of traffic and clear vision. Exempt flags include the following:

1. The flag of the United States of America, when displayed in compliance with the U.S. flag code (4 USC 1).

2. Flags of foreign, state, or local governments or public agencies mounted on poles, located together on the same premises subject to the following limitations:

a. There are no more than four (4) flags displayed at any time.

b. Flags shall not exceed fifty (50) square feet of area or a height of forty feet (40').

3. No more than two (2) commercial and corporate logo, college, or athletic team flags flown on any premises.

J. Small Bulletin Boards: Accessory signs or bulletin boards for places of public assembly or charitable organizations, which do not exceed thirty two (32) square feet.

K. Temporary Construction Signs: One construction sign per street frontage of a building that is under construction, structural alteration, or repair announcing the enterprise or purpose for which the building is intended.

1. The sign may include names of business entities participating in the construction, structural alteration, or repair.

2. The area for each sign shall not exceed sixteen (16) square feet in the agricultural residential (AR), planned residential (PR), and residential (R) districts.

3. The area for each sign shall not exceed thirty two (32) square feet for all other districts.

4. Advertising signs for subdivisions and development projects are not included in this exemption.

L. Business Nameplates: One professional nameplate not to exceed four (4) square feet in sign area.

M. Brand And Instructional Signs: Outdoor machine, device, or equipment signs that display the trademark, trade name, manufacturer, cost, operating or service instructions, or similar information. This exemption includes signs on coin operated vending machines, fuel dispensing pumps, telephone facilities, automatic teller machines, automotive vacuum cleaners, amusement rides, and similar machines, devices, or equipment.

N. Auxiliary Signs: Auxiliary sign attached to a building or canopy or placed in a window indicating general information such as pricing, credit cards, official notices or services required by law, trade associations, or giving directions to offices, restrooms, exits, and similar facilities.

O. Holiday Displays: Holiday displays, signs, and lights including Christmas lights that contain only holiday messages and no commercial advertising. (Ord. 10-001, 1-12-2010)

8-5-3-2: PROHIBITED SIGNS:

All signs listed below shall be prohibited under this chapter:

A. Encroaching Signs: Signs in the right of way and signs or supports that encroach into the public right of way, other than those required by governmental authority. This prohibition shall not apply to commercial vehicles or trailers lawfully operated or parked in such areas.

B. Rotating Or Flashing Signs: Motion signs that flash, revolve, rotate, whirl, spin, or otherwise make use of motion to attract attention. This prohibition excludes flags, pennants, and barbers' poles that have a turning, striped cylinder, which does not exceed forty two inches (42") in height and which otherwise meets the requirements of this UDO.

C. Dynamic Display: Signs that appear to have movement or that appear to change, caused by any method other than physically removing and replacing the sign or its components, whether the apparent movement or change is in the display, the sign structure itself, or any other component of the sign. This includes a display that incorporates a technology or method allowing the sign face to change the image without having to physically or mechanically replace the sign face or its components. This also includes any rotating, revolving, moving, flashing, blinking, or animated display and any display that incorporates rotating panels, LED lights manipulated through digital input, "digital ink", or any other method or technology that allows the sign face to present a series of images or displays.

D. Misleading Or Obstructing Signs: Signs that, by reason of their size, location, movement, content, coloring, or manner of illumination, may be confused with or construed as a traffic control sign, signal or device, or the light of emergency or road equipment vehicles or which hide from view any traffic or street sign, signal, or device. This category also includes obstructing signs that violate the sight visibility regulations of this title.

E. Sound Bearing Signs: Any sign that emits any form of sound or detectable noise.

F. Wind Signs: Wind signs are intended to produce attention getting motion and are, therefore, prohibited.

G. Obsolete Or Unsafe Signs: Signs that are located on property that becomes vacant and is unoccupied for a continuous period of twelve (12) months or more or any sign that pertains to a dated event or purpose that no longer applies. The prohibition also includes deteriorated, dilapidated, or unsafe signs.

H. Stationary Vehicle Signs: Signs on motor vehicles or trailers when such motor vehicles or trailers are parked in a manner or position visible to traffic passing along an arterial or collector street. Said vehicles shall not be engaged in, or not imminently awaiting, the loading or unloading of

cargo into or from such motor vehicle or trailer, to the end that such motor vehicle or trailer sign is intentionally being used as an advertising device, not a mode of transportation.

I. Nonauthorized Signs: Illegal signs that have been or are erected, altered, repaired, or relocated without having received an applicable permit, certificate, or approval, and without being erected, altered, repaired, or relocated in conformance with the applicable building and electrical codes of the county. (Ord. 10-001, 1-12-2010)

8-5-3-3: NONCONFORMING SIGNS:

A. Nonconforming Signs: Existing signs which do not conform to the specific provisions of this chapter shall be eligible for the designation "legal nonconforming" provided that:

1. The zoning officer determines that such signs are properly maintained and do not in any way endanger the public.
2. The sign was covered by a valid permit or variance or complied with all applicable laws on the date of adoption hereof.

B. Loss Of Nonconforming Status: A legal nonconforming sign will lose this designation if:

1. The sign is relocated or replaced.
2. The structure or size of the sign is altered in any way except towards compliance with this chapter. This does not refer to change of copy or normal maintenance. (Ord. 10-001, 1-12-2010)

8-5-4: PERMITTED SIGNS:

8-5-4-1: SIGNS PERMITTED IN THE AGRICULTURAL (A) DISTRICT:

A. On Premises Signs:

1. Agricultural Uses: There shall be not more than one sign, not exceeding ten (10) square feet in area, for each principal farm dwelling, except on a corner lot where two (2) such signs for each dwelling unit shall be permitted. The sign shall indicate the name of the occupant and any specialized agricultural activities being conducted on the premises.

2. Nonagricultural Uses: A single on premises business identification sign not exceeding sixteen (16) square feet in area is permitted. On a corner lot, two (2) such signs, one facing each street, shall be permitted.

3. Projection And Height Restrictions: On premises advertising signs shall be subject to the following restrictions:

- a. Projection: No sign shall project beyond the front lot line.
- b. Height: No sign shall project higher than ten feet (10') above grade at the near edge of the roadway pavement.

B. Real Estate Signs: "For sale" and "for rent" signs, subject to the following:

1. Maximum Area: No sign shall exceed twelve (12) square feet in area.
2. Maximum Number Of Signs: There shall be not more than one sign facing each street on which the property fronts.
3. Projection: No sign shall project beyond the front lot line.
4. Height: No sign shall project higher than ten feet (10') above grade at the near edge of the roadway pavement.

C. Outdoor Advertising Signs: Off premises outdoor advertising signs ("billboards") shall only be permitted on parcels of land abutting I-55 and I-80, provided such signs have no moving parts, shall conform with other county codes or ordinances and Illinois statutes, and shall conform with the following regulations:

1. Spacing: Along interstate highways, no advertising sign shall be located nearer than two thousand feet (2,000') from another outdoor advertising sign.

2. Maximum Area Of Displays:

a. Each outdoor advertising sign structure shall contain not more than two (2) display surfaces. Only one item shall be displayed on each surface.

b. The structure shall have a length and height of not more than such dimension needed to secure either two (2) standardized fifteen foot by twenty five foot (15' x 25') poster panel displays or a single fifteen foot by fifty five foot (15' x 55') bulletin display on each surface. The overall display surface (both sides) shall not exceed one thousand six hundred fifty (1,650) square feet.

3. Location:

a. Off premises outdoor advertising signs ("billboards") shall only be permitted on tracts of land abutting I-55 and I-80. No off premises outdoor advertising sign shall be located along other roads or on other parcels in the county.

b. No outdoor advertising sign shall be located nearer than fifty feet (50') from a side lot line, nor nearer than one hundred fifty feet (150') from a residential district boundary line.

4. Illumination: Illumination shall be subject to the safety and nuisance restrictions contained in section 8-8-3-3, "Public Safety And Public Nuisance", of this title. (Ord. 10-001, 1-12-2010)

8-5-4-2: SIGNS PERMITTED IN RESIDENTIAL DISTRICTS:

The following sign provisions apply to the agriculture residential (AR), planned residential (PR), and residential (R) districts:

A. Real Estate Signs: "For sale" and "for rent" signs pertaining to the sale or rental of property on which they are located shall be permitted in accordance with the following regulations:

1. There shall be not more than one sign on a lot, except on a corner lot or through lot where one such sign facing each street shall be permitted.
2. A sign shall not have more than twelve (12) square feet of area, and it shall be located not less than eight feet (8') from the nearest lot line.
3. Such a sign, when affixed to a building wall, shall not project higher than ten feet (10') above grade, and a ground sign shall not project higher than five feet (5') above the ground grade elevation below it.
4. Such a sign shall not be illuminated.

B. Identification Signs For Nonresidential Uses: On premises identification signs for nonresidential uses shall be permitted in accordance with the following regulations:

1. Nonresidential uses are allowed one identification sign affixed flat against a building wall and one ground sign. The signs may be illuminated by direct or indirect illumination arranged in a manner consistent with the provisions of section 8-5-6, "Structural And Safety Requirements For Signs", of this chapter.

a. Exception: On a corner or through lot, one additional ground sign shall be permitted. Thus, the nonresidential use can incorporate a sign that faces each street.

2. Each sign shall contain not more than sixteen (16) square feet of area and:

a. When affixed to a building wall, it shall not project higher than ten feet (10') above floor grade at entrance doorways;

b. A ground sign shall not be located nearer than eight feet (8') from the nearest interior lot line and not less than one-half ($\frac{1}{2}$) the depth of the required yard from the nearest lot line adjoining a street; and

c. It shall not project higher than ten feet (10') aboveground grade elevation.

C. Temporary Signs For Residential Development Projects: Temporary signs for a residential subdivision or development project are permitted in accordance with the provisions of section 8-5-5, "General Design And Placement Of Signs", of this chapter. (Ord. 10-001, 1-12-2010)

8-5-4-3: SIGNS PERMITTED IN COMMERCIAL DISTRICTS:

Signs are permitted in the commercial general (CG), and commercial interchange (CI) districts subject to applicable regulations set forth in other ordinances of the county and the following:

A. On Premises Permanent Signs: Signs with no moving parts are permitted, subject to the following provisions:

1. Permitted Types And Positioning: Ground signs, wall signs, awnings, canopy signs, and marquees are permitted.

a. Maximum Height: The height of ground signs shall not exceed twenty feet (20'), except on parcels or tracts located adjacent to an interstate highway, where ground signs oriented to interstate traffic may project up to forty feet (40').

b. Maximum Size: The total gross surface area in square feet of all signs on a lot shall not exceed:

(1) A maximum area of two hundred (200) square feet, or

(2) Four (4) times the number of linear feet in the length of the building wall facing the front lot line. On a corner or through lot, each lot line adjoining a street shall be considered a separate front lot line.

2. Mixed Use Developments And Shopping Centers: Individual occupancies in a multi-tenant structure, planned development, or shopping center shall use wall signs only. However, one ground sign facing each street may be provided to identify the name and address of the shopping center; this sign (or signs) may include a bulletin area for advertising special events, promotional sales taking place on the premises, or public announcements.

a. Such ground sign shall be not less than ten feet (10') from any lot line, shall have a gross surface area of not more than one hundred sixty (160) square feet, which may be in addition to the maximum gross surface area as permitted in subsection A1b of this section, and shall not project higher than thirty feet (30') above grade.

b. When located within fifty feet (50') of a street intersection, the ground sign shall have its lowest level not less than eight feet (8') above the grade below it, and when located within three feet (3') of a driveway or parking area, it shall have the lowest level not less than twelve feet (12') above the grade below it.

3. Illumination: Signs may be illuminated. Such lighting shall comply with the requirements of section 8-5-6, "Structural And Safety Requirements For Signs", of this chapter.

4. Master Sign Plan Requirements: In new shopping centers and other multi-tenant commercial developments, all individual signs shall be of a similar type and shall have a consistent size, lettering style, color scheme, and material construction. Trademarked signs and corporate logos are exempt from this requirement.

a. A master sign plan shall be included in the required development review and approval submittals.

b. After approval of a master sign plan, or an amended master sign plan, no sign shall be erected, placed, painted, or maintained, except in accordance with such plan.

B. Temporary Signs: Temporary signs shall comply with the requirements of section 8-5-5, "General Design And Placement Of Signs", of this chapter.

C. Outdoor Advertising Signs: Off premises outdoor advertising signs ("billboards") shall only be permitted on parcels of land abutting I-55 and I-80, provided such signs have no moving parts, shall conform with other county codes or ordinances and Illinois statutes, and shall conform with the following regulations:

1. Spacing: Along I-55 and I-80, no advertising sign shall be located nearer than two thousand feet (2,000') from another outdoor advertising sign.

2. Maximum Area Of Displays:

a. Each outdoor advertising sign structure shall contain not more than two (2) display surfaces. Each surface shall advertise only one item.

b. The structure shall have a length and height of not more than such dimension needed to secure either two (2) standardized fifteen foot by twenty five foot (15' x 25') poster panel displays or a single fifteen foot by fifty five foot (15' x 55') bulletin display on each surface. The overall display surface (both sides) shall not exceed one thousand six hundred fifty (1,650) square feet.

3. Location:

a. Off premises outdoor advertising signs ("billboards") shall only be permitted on tracts of land abutting I-55 and I-80. No off premises outdoor advertising sign shall be located along other roads or on other parcels in the county.

b. No outdoor advertising sign shall be located nearer than fifty feet (50') from a side lot line, nor nearer than one hundred fifty feet (150') from a residential district boundary line.

4. Illumination: Illumination shall be subject to the safety and nuisance restrictions contained in section 8-8-3-3, "Public Safety And Public Nuisance", of this title.

D. Additional Restrictions For The Commercial Interchange (CI) District:

1. No sign may be erected that exceeds in area twelve (12) square feet or two (2) square feet per linear foot of building facade.
2. No sign may be erected or maintained within one thousand feet (1,000') of approaching, merging, or intersecting traffic if it obscures or interferes with a driver's view of the traffic.
3. No two (2) sign structures on the same side of the highway shall be erected less than three hundred feet (300') apart, unless as otherwise provided in the Illinois highway advertising control act of 1971 ¹. (Ord. 10-001, 1-12-2010)

Notes

¹ 1. 225 ILCS 440/1 et seq.

8-5-4-4: SIGNS PERMITTED IN THE INDUSTRIAL (I) DISTRICT:

Awnings, marquees, and illuminated business signs with no moving parts are permitted in the industrial (I) district subject to applicable regulations set forth in other ordinances of the county and the following:

- A. Maximum Sign Area: The gross area in square feet of all signs on a lot shall not exceed four (4) times the linear feet of street frontage of such lot.
- B. Wall Signs: Wall signs are permitted. Projections shall not extend outward more than twelve inches (12") or higher than five feet (5') above the building.
- C. Ground Signs: A single ground sign is permitted subject to the following restrictions:
 1. It shall be at least twenty feet (20') from any lot line.
 2. The maximum height shall be thirty feet (30') above curb level.
 3. If located within three feet (3') of a sidewalk or driveway on the lot, it shall have the lowest elevation of the sign face at least twelve feet (12') above the grade of the sidewalk or driveway directly opposite the sign.
- D. Awnings: Signs on awnings shall be exempt from the limitations imposed by this chapter on the projection of signs from the face of the wall of any building or structure, provided that any sign located on the awning shall be affixed flat to the surface of the awning and shall not be illuminated. Further, no such sign shall extend vertically or horizontally beyond the limits of said awning.
- E. Illumination Permitted: Signs may be illuminated. Such lighting shall comply with the requirements of section 8-5-6, "Structural And Safety Requirements For Signs", of this chapter.
- F. Industrial Park Identification Sign: For industrial parks, one additional sign on each street frontage in addition to those regulated above shall be permitted, subject to the following:
 1. Content: Such sign shall advertise only the name and location of such industrial park and the name and type of business of each occupant of the park.
 2. Area: The gross area in square feet of the additional sign on a lot shall not exceed two hundred (200) square feet or two (2) times the linear feet of street frontage of such lot, whichever is less.
 3. Setback: Such a sign shall be set back a minimum of ten feet (10') from the front lot line of such industrial park.
 4. Height: Such sign shall conform with the regulations in subsection C of this section. (Ord. 10-001, 1-12-2010)

8-5-5: GENERAL DESIGN AND PLACEMENT OF SIGNS:

For purposes of applying these regulations, all signs are defined and classified according to their physical characteristics. Unless otherwise specified in this chapter, all signs shall comply with the maximum area, height, setback, and other allowances provided in this section.

A. Permanent Signs:

1. Wall Signs: The following restrictions apply to signs that are attached to the principal structure:
 - a. Signs shall be mounted flush to the face of the building and not cantilevered away from the structure.
 - b. No sign shall obstruct any window, door, stairway or other opening intended for entrance or exit, ventilation, or light.
 - c. If indirect illumination is provided by separate lighting fixtures, these fixtures shall be mounted to the wall and extend no more than eighteen inches (18") out from the wall.
2. Projecting Wall Mounted Signs: Projecting signs include awnings, canopies, marquees, and any other sign that extends out from the wall more than three inches (3"). The following limitations shall apply:
 - a. Projecting signs, except for canopies and awnings, shall not extend more than twelve inches (12") perpendicular from any exterior building face, mansard, awning, or canopy. They shall not project higher than five feet (5') above the building height.
 - b. Canopies and awnings shall not extend more than five feet (5') from the building facade.
3. Ground Signs: The following provisions shall apply to freestanding ground, pole, pylon, or monument signs mounted on the ground:
 - a. Pole or pylon signs shall have a minimum height of four feet (4') and a maximum height of thirty feet (30').
 - b. Unless otherwise specified in this chapter, the face or any portion of the ground sign shall be set back from any property line at least ten feet (10').
 - c. Monument signs shall have a maximum height of eight feet (8').
 - d. Monument signs shall have a base of masonry or other materials similar to the building(s) constructed on the property and framed on all

four (4) sides.

e. If a ground sign is taller than six feet (6'), only direct lighting (bulbs inside the sign) shall be used for illumination; use of spotlights is prohibited.

FIGURE 8-5-5A

MONUMENT SIGN



FIGURE 8-5-5B

PYLON SIGN



4. Canopy Signs: Canopy signs shall be permitted subject to the following requirements:
 - a. The maximum sign area per canopy face is twelve (12) square feet.
 - b. The vertical edge of the canopy sign shall be a maximum of twenty four inches (24") in height, except for motor fuel station canopies, where the maximum vertical edge of the canopy may be forty two inches (42").
 - c. In no case shall the sign extend beyond the vertical edge of the canopy to which it is attached.
 - d. The sign area used for the computation of sign size shall be deducted from the allowable square footage for wall signs.

FIGURE 8-5-5C

CANOPY SIGN



B. Temporary Signs: Temporary signs, where permitted, may be placed on the premises of an occupancy for up to sixty (60) calendar days per year, subject to the following provisions:

1. Banner Signs:

- a. Banners shall be limited to one banner sign per occupancy and used for a special event such as a grand opening.
- b. No individual banner shall exceed thirty two (32) square feet in area.
- c. Banners shall be mounted flat against an outside wall of the principal structure.
- d. Freestanding or fence mounted banners are prohibited.
- e. They shall remain in good condition, without torn or tattered portions.

2. Portable Signs:

- a. Any face of a portable sign shall not exceed ten (10) square feet in area.
- b. Portable signs shall not be illuminated.
- c. They shall not be placed closer than five feet (5') from the right of way.

3. Inflatable And Novelty Signs: The following provisions apply to inflatable signs, balloons, tubes, inflated caricatures, blower driven novelty signs, and similar temporary devices:

- a. They shall not be mounted on the roof of a structure.
- b. They shall project no higher than eight feet (8') above the ground.
- c. There shall be no attached flags, pennants, or moving or rotating parts.
- d. They shall not be illuminated.

4. Subdivision Or Residential Development Project Signs:

a. Signs shall be located on the premises as identified by a preliminary plat of the subdivision, initial development plan submittal, or master sign plan for a commercial development. They shall be removed within three (3) months after completion of construction of the development, or one year after the first dwelling unit is occupied, whichever is sooner.

b. Signs shall only be permitted at the intersection of two (2) collector or arterial streets at the perimeter of the project site. At each intersection, two (2) signs are permitted.

c. The sign shall not project higher than thirty feet (30') above grade.

d. It shall be set back a minimum of fifteen feet (15') from a property line, except it shall not be nearer than fifty feet (50') from the lot corner formed by the intersection of any two (2) street right of way lines.

e. These signs may be illuminated. (Ord. 10-001, 1-12-2010)

8-5-6: STRUCTURAL AND SAFETY REQUIREMENTS FOR SIGNS:

A. Maintenance: All signs shall be maintained in clean and good structural condition.

B. Compliance With Other Codes: All signs shall comply with the applicable provisions and requirements of the county building codes and of the

county electrical codes if a sign is illuminated.

C. Illumination: Illuminated signs shall be located and constructed so as to protect the general welfare of the public and the safety of the traveling public. In particular, illuminated signs shall comply with the following provisions:

1. Lights shall be shaded, shielded, or directed so that the light intensity or brightness is neither a nuisance to the surrounding area nor a hazard to the operators of motor vehicles on public thoroughfares.

2. Lighting shall not include or consist of exposed reflective or clear bulbs, strobe lights, or incandescent lamps over fifteen (15) watts that expose the face of the bulb, light, or lamp to any public thoroughfare or adjacent property.

3. Beacons, flashing lights, or revolving lights are prohibited.

D. Obstruction To Pedestrians And Vehicle Traffic: Flagpoles, permanent signs, and temporary signs shall be located so as not to impede pedestrian traffic or motor vehicle visibility at street intersections.

E. Headroom Of Projecting Signs: All projecting signs, awnings, canopies, and marquees shall have a headroom of not less than eight feet (8') above any paved or unpaved surface.

F. Sign Clearance And Protection: The bottom coping of the face of a pole or open pylon sign must be at least ten feet (10') above ground level. Pole joints shall be at least eight feet (8') above ground level or shall be free of sharp edges and exposed bolts. The first three feet (3') aboveground may be enclosed provided there is an unobstructed clearance of at least seven feet (7') to deter climbing, vandalism, and view obstruction. (Ord. 10-001, 1-12-2010)

8-5-7: SIGN MAINTENANCE, ALTERATIONS, AND MODIFICATIONS:

A. Maintenance: Nonconforming signs shall be allowed to be maintained and repaired to ensure that they are in a safe condition and in compliance with all applicable code requirements. Normal maintenance and/or repair shall not alter the nonconforming status of a sign.

B. Alterations And Modifications: All signs unless otherwise exempted by this chapter, legally existing prior to the enactment hereof but which shall violate the provisions of this chapter, may continue to be maintained and used subject to the following provisions:

1. Sign Panel Repair And Replacement: Nonconforming signs shall be allowed to have their copy changed by repainting or replacement of sign panels to reflect changing business, occupation or other advertising material. However, replacement of copy shall utilize the existing sign structure, which shall not be enlarged or relocated.

2. Enlargement: Nonconforming signs shall not be enlarged, expanded, or extended to occupy a greater amount of square footage or height than as occupied on the date of adoption or amendment hereof. Sign expansion includes alterations to the structural materials, in addition to any changes to the sign's width, length, and height.

3. Relocation: Nonconforming signs shall not be moved in whole or in part to any other portion of the lot, parcel, or building not so occupied on the date of adoption hereof, except if such sign shall be relocated in conformance with the requirements of this chapter.

4. Damage Or Destruction: If the sign is destroyed or suffers more than fifty percent (50%) appraised damage or deterioration, it must be brought into conformance with this chapter or removed. (Ord. 10-001, 1-12-2010)

CHAPTER 6

SUBDIVISIONS AND LAND DEVELOPMENT

SECTION:

8-6-1: General Provisions

8-6-2: Application Submittal Requirements

8-6-2-1: General Requirements

8-6-2-2: Concept Plan Submittal

8-6-2-3: Preliminary Plat Or Development Plan Submittal

8-6-2-4: Final Plat Or Development Plan Submittal

8-6-3: Subdivision And Development Design

8-6-3-1: General Site Design Requirements

8-6-3-2: Open Space And Recreation

8-6-3-3: Utility Lines And Mains

8-6-3-4: Streets, Roadways, And Paths

8-6-3-5: Off Street Parking

8-6-3-6: Sewage Collection And Disposal

8-6-3-7: Water Systems

8-6-3-8: Public Utilities

8-6-3-9: Easements

8-6-4: Guarantee Of Improvements

8-6-5: Project Completion And Turnover

8-6-6: Cost Sharing Of Off Tract Improvements

8-6-1: GENERAL PROVISIONS:

A. Jurisdiction: This chapter shall apply to the following:

1. Subdivisions: Any subdivision of land within the county that is located outside the corporate limits of any city, village, or incorporated town shall be subject to these regulations. Subdivisions located within one and one-half ($1\frac{1}{2}$) miles of the corporate limits of any village, city, or incorporated town that has adopted and recorded a comprehensive plan in accordance with applicable state statutes shall be subject to the more restrictive subdivision requirements of either the county or the incorporated place.

2. Land Development: Any land development project within the unincorporated area of the county, not involving the division of land, that is located outside the corporate limits of any city, village, or incorporated town shall require a site development permit subject to these regulations.

B. Compliance: To be approved, all proposed subdivisions and land development projects, in addition to complying with all chapters of this UDO, must comply with the county school site donation ordinance, all applicable codes governing private sewage disposal and potable water supply systems, and all other land use control ordinances.

C. Certificate Of Occupancy: No certificate of occupancy or other occupancy permit shall be granted by any governing official for the use of any building or structure within a subdivision, lot division, or land development project approved under this chapter until required land improvements, as determined by the director, have been installed and approved for use. These improvements include, but are not limited to, streets, water supply, and sanitary sewage disposal systems.

D. Procedures: The applicant and county are bound by the application and approval procedures specified in chapter 14, "Permits And Procedures", of this title for the following:

1. Minor and major subdivisions: Section 8-14-10, "Subdivision Plat Procedures", of this title.

2. Site development permit: Section 8-14-4, "Site Development Permit", of this title.

E. Procedural Deadlines: By mutual agreement of the applicant and the county board or designee of the county board, procedural deadlines, as defined in chapter 14, "Permits And Procedures", of this title may be extended.

F. Pending Actions: This UDO shall not be construed as abating or amending any action now pending under prior subdivision regulations in existence at the adoption of this UDO.

G. Vacation Of Plats: A subdivision plat or a part of any plat falling within the jurisdiction of the county may be vacated provided that such petition for vacation is reviewed and approved or rejected in like manner to plats of subdivision as provided in this title and in accord with 765 Illinois Compiled Statutes.

H. Fees: Reasonable fees sufficient to recover costs incurred shall be charged. These fees are identified in fee schedule maintained by the Land Use Department. This chapter shall not be construed as having any effect on any actions pending under prior existing subdivision regulations except as expressly provided for in this chapter and other chapters of this title. (Ord. 10-001, 1-12-2010)

8-6-2: APPLICATION SUBMITTAL REQUIREMENTS:

The documents to be submitted are intended to provide the County with sufficient information and data to assure compliance with all applicable codes and specifications and to ensure that the proposed subdivisions and other land development projects meet the design and improvement standards contained in this title. The content and detail of the documents to be submitted are based on the type of development and the particular stage of development application. (Ord. 10-001, 1-12-2010)

8-6-2-1: GENERAL REQUIREMENTS:

The documents and information to be submitted under the provisions of this chapter are indicated in the following subsections:

A. Submittal Formats: When possible, information and data required should be provided on the subject plat or development plan map. Supplementary information and data in the form of maps, drawings, reports, listings, letters, etc., should be identified and organized to enable expeditious review of the submittal. A submittal booklet containing all required items and information is recommended.

B. Identification And Certification: Plats and development plans shall typically contain or indicate a project identification (name), identification of the preparer and the applicant, preparation and revision dates, and appropriate certification and signature block.

C. Scale Of Maps: Drawing scales of maps, plats, and plans shall be as appropriate to clearly indicate the information and detail required. The minimum allowable plat scale shall be one inch equals one hundred feet ($1" = 100'$).

D. Size Of Maps: Plat and plan sheets shall be one of four (4) standard sheet sizes (30" x 36", 24" x 36", 17" x 22", or 11" x 17") or as requested by the Director.

E. Digital Submittal: All submittals of computer generated graphical or text material shall be accompanied by a corresponding copy of the computerized file(s) containing this information. It shall be provided in a format and medium approved by the department.

F. Elevation Datum: Elevations and topography shall be measured from a vertical datum reference bench mark that is part of a surveyed and established areawide datum system referenced to the National Geodetic Vertical Datum (MSL 1929). The reference bench mark used to establish the project bench mark shall be indicated on the project topographic plan.

G. Ties To PLSS Monuments: Subdivisions within one mile of two (2) U.S. Public Land Survey System (PLSS) monuments, for which monument records are on file in the Recorder's Office, shall be tied to said monuments by survey traverse, and the final plat shall show the bearing(s) and distance(s) thereto.

1. Resubdivision of subdivisions that have been previously tied to two (2) such monuments need only show on the final plat the previously plotted distances and bearings to said monuments established by the original subdivision plat.

2. Where Illinois State plane coordinates have been established for such PLSS monument, said coordinates shall be calculated for the property boundary corners of the subdivision and shall be indicated on the subject plat.

H. Waivers Or Deferrals: In specific cases and for documented reasons, the County may waive or defer the submission of a particular document or individual items of a document. The reasons for the waiver or deferral shall be indicated in writing by the Plat Officer or in the minutes of the Zoning Board of Appeals. (Ord. 2018-012, 6-12-2018)

8-6-2-2: CONCEPT PLAN SUBMITTAL:

The following submittals are required for the review and approval of the concept plan:

A. Applicant Identification: Submittals shall include the name, address and telephone number of the submittal applicant, the property owner and

the planner, engineer, architect, surveyor and/or other applicant consultants involved in the intended project.

B. Location Map: A location map shall be provided that indicates:

1. The location of tract with reference to surrounding properties and roadways within one and one-half ($1\frac{1}{2}$) miles.
2. Municipal boundaries within one and one-half ($1\frac{1}{2}$) miles.

C. Zoning And Land Use Map: The map shall show existing zoning classifications and land uses of the subject tract and all adjacent properties, easements, and lands reserved for public use within six hundred feet (600') of the boundaries of the proposed development.

D. Property Survey And Legal Description: The property survey shall be in drawn form. It shall include all boundaries of the tract, existing easements, roadways and other dedications, and the size of the tract to be developed or subdivided. A written legal description of the tract to be subdivided or developed shall also be provided.

E. Environmental Information: Environmental information shall include available maps, data, reports, and other information regarding:

1. Soil and groundwater conditions.
2. Floodplains and wetlands.
3. Natural resources as described in section 8-4-2-1, "Protected Resources", of this title, on and adjacent to the subject property.

F. Existing Conditions Map: Existing conditions include topographic data and contour lines, watercourses, roadways, structures, wooded areas, and other significant physical features.

G. Proposed Development Plan: The concept development plan shall indicate, in sketch form, the following:

1. Requested land uses and zoning classifications.
2. Layouts of proposed roadways, residential lots, and other land uses.
3. Proposed dedications and reservations such as school and park sites, thoroughfares, and storm detention basins.
4. Locations of floodplains, wetlands, or other types of open space.
5. Any proposed conservation easements.
6. Utility and drainage plans, indicating in sketch form proposed systems for sewage disposal, water supply, and stormwater management.

(Ord. 10-001, 1-12-2010)

8-6-2-3: PRELIMINARY PLAT OR DEVELOPMENT PLAN SUBMITTAL:

The following submittals are required for the review and approval of the preliminary plat:

A. Concept Plan Items: The submittal shall include items in subsections 8-6-2-2A through E of this chapter.

B. Statement Of Property Ownership: The statement shall indicate, in detail, the property ownership of record, the type of ownership, the trust beneficiaries if title is held in trust, and the applicant's interest in the property.

C. Adjacent Property Owner Identification: A map shall be provided with an attached listing of the names and addresses of all owners of all property parcels within six hundred feet (600') of the proposed development, as identified on current County tax records.

D. Statement Of Adjacent Property Interest: The statement shall include both the applicant's and the subject property owner's extent of control of or interest in any properties or parcels within six hundred feet (600') of the subject development site.

E. Existing Conditions Map: The map shall indicate (at the same scale as the preliminary plat) details of existing topographic and drainage conditions as specified in section 8-6-2-1, "General Requirements", of this chapter. It shall include all buildings, structures, pavements, utilities, roadways, wooded areas, wetlands, and other significant features on and within two hundred feet (200') of the subject site.

1. The map shall include all relevant details of drainage, sewage disposal and water supply facilities such as elevations, locations, sizes, and piping materials.
2. Topographic contours shall be at two foot (2') intervals.

F. Soils And Drain Tile Map: It shall indicate (at the same scale as the preliminary plat) the various soil types, the boundaries of each soil type and the layouts and pipe sizes of any subsurface drainage systems existing on the subject site or within two hundred feet (200') of the subject site. Soils information may be obtained from the U.S. Natural Resource Conservation Service (NRCS) publication "Soil Survey of the County" or determined from a detailed field investigation conducted by a qualified soils expert and accepted by the NRCS.

G. Wetland Delineation Report: The report shall provide the results of field investigations conducted to determine the existence and extent of regulated wetlands as defined by Federal and State laws. If it is determined that no wetlands exist on the site, such a statement shall be submitted by the applicant.

H. Preliminary Development Plat: The preliminary development plat shall meet the following requirements:

1. The preliminary development plat shall include a plan of existing and proposed conditions, drawn to scale, showing the following:
 - a. Existing land uses and zoning classifications.
 - b. Layouts of roadways, buildings, residential lots, and other land uses.
 - c. Any proposed dedications and reservations such as school and park sites, thoroughfares, storm detention basins, and floodplains, wetlands, or other types of open space.
2. It shall provide the approximate dimensions and areas of the property, and all parcels and uses shall be indicated. It shall show the lot numbers and approximate areas and dimensions (including building lines) of all lots.
3. It shall also include a delineation of anticipated development phases.
4. The plat shall include other required submittal information and data such as a location map, adjacent property zoning, land use and ownership, legal descriptions, existing topographic conditions, and applicant identifications. When possible, these should be shown on the plat

without obscuring the proposed development plan detail.

5. The plat shall also contain signature blocks for the Zoning Board of Appeals, Plat Officer, County's Review Engineer, and Director of Environmental Health, along with the certifications required by the Plat Officer. (Ord. 2018-012, 6-12-2018)

I. Preliminary Engineering Plan: A plan, drawn to scale, indicating existing topographic drainage utility, roadway, and land use conditions and details. The plan shall also include layout of the proposed development and proposed layouts and details of all new site improvements intended to serve the development. Site improvements shall typically include topographic changes, storm drainage systems, storm detention facilities, sewage disposal and water supply facilities and systems, streets, sidewalks, bike paths, parking areas, street lighting, landscape plan (chapter 9, "Landscaping And Tree Protection", of this title), and tree preservation plan (if applicable). Other improvements may be necessary depending on the type of development.

J. Critical Drainage Elevations: An indication on the engineering plan of the proposed detention basin water and berm elevations, pavement elevations at waterway crossings and overflow swales, and building (top of foundation) elevations along waterways, detention facilities, and overflow drainage swales.

K. Preliminary Design Calculations: All calculations and documentation required by the County's Review Engineer shall be provided to enable review and comment on the capacity, size, strength, or other design elements of the various site improvements. These include storm drainage systems, storm detention systems, and street pavements.

L. Variance Requests: A detailed written request shall be provided for any variances to the requirements and development standards contained in this chapter. Variances for the preliminary plats need to be reviewed by the Planning and Zoning Council.

M. Natural Resource Inventory (NRI): The submittal shall include a resource assessment prepared by the County Soil and Water Conservation District in accordance with State law. The applicant is responsible for requesting and obtaining this report.

N. Covenants And Restrictions: As background information, written indication and description shall be provided for any protective covenants or deed restrictions that are to be placed on the property to be developed or subdivided. The submittal should also include copies of any existing covenants or restrictions.

O. Regulatory Approvals And Permits: A listing of all anticipated state and federal agency approvals and permits required for development of the site as proposed together with an indication of the specific site changes and improvements for which the approvals and permits are required.

P. Street Names: A listing of proposed names for the project streets and an indication of some alternative names in the event requested names are found not acceptable. Approved street names shall be indicated on the preliminary plat.

Q. Traffic Study: An analytical study and report of traffic volumes created by the proposed development and the traffic's effect in existing roadways shall be required if the county has reasonable concerns about the impact of the development on the existing roadway facilities. Projected traffic volumes shall also be used to design new roadways within the development.

R. Preliminary Landscape Plan: The plan shall provide sufficient information about existing and proposed trees, shrubs and other natural and landscape features to be evaluated. It shall provide the basis for the final landscape plan (chapter 9, "Landscaping And Tree Protection", of this title).

S. Taxes And Assessments: Proof that all taxes and special assessments have been paid. (Ord. 10-001, 1-12-2010)

8-6-2-4: FINAL PLAT OR DEVELOPMENT PLAN SUBMITTAL:

The following submittals are required for the review and approval of a final plat:

A. Concept Plan And Preliminary Plat Or Development Plan Documents: This submittal shall include all documents or items required in sections 8-6-2-2, "Concept Plan Submittal", or 8-6-2-3, "Preliminary Plat Or Development Plan Submittal", of this chapter, but deferred until this submittal.

B. Geotechnical Reports: These reports shall indicate:

1. The results of subsurface soils and groundwater investigations conducted to determine existing conditions and the engineering properties of the existing materials.

2. Recommendations regarding the soil's capabilities for the support of proposed improvements such as roads, structures, and utilities and their suitability for on site sewage disposal facilities.

C. Wetland Mitigation Report: An analysis and/or design report shall be provided, as required for state and federal permit approval, that indicates the layout and details of any new or additional wetlands to be provided and if the proposed development will cause the disturbance or reduction of existing regulated wetland areas.

D. Final Engineering Plans And Specifications: Plans and specifications shall indicate the layout and elements of all proposed and required site improvements in sufficient detail to enable their installation or construction. These improvements typically consist of the following components that are determined necessary for the project:

1. All earthwork and topographic changes.
2. Storm drainage systems and detention facilities.
3. Sewage collection and disposal systems.
4. Water supply and distribution systems.
5. Streets, parking areas, and street lighting.

E. Engineering Details, Shop Drawings, And Maintenance Manuals: The submittal shall include the design details and/or shop drawings for any equipment or prefabricated components, such as street lights or pumps, that will eventually become the county's or homeowners' association's responsibility to operate and maintain. Any necessary operations and maintenance manuals for this equipment shall also be provided.

F. Final Design Calculations: The applicant shall provide original calculations or revisions of preliminary design calculations, as necessary, to document the adequacy of proposed site conditions and the capabilities of site improvement items and systems. Typically, design calculations shall be provided for underground and surface drainage systems, storm detention facilities, sewage disposal and water supply systems, and street pavements.

G. Drainage Plan And Profile Study: A plan (or plans), drawn at the same scale as the final plat, shall be provided that indicates the information on existing and proposed conditions that is required in subsection 8-6-3-1G, "Stormwater Drainage And Detention", of this chapter, and that is

required by the state plat act. This document shall also contain the required drainage statement signed by the engineer and owner and shall be provided on a reproducible mylar sheet, usable as an overlay of the final plat.

H. Erosion And Sediment Control Plan: This shall be prepared in conformance with the requirements of section 8-4-5 of this title.

I. Landscape Plan: A landscape plan shall be submitted that is in conformance with chapter 9, "Landscaping And Tree Protection", of this title.

J. Quantities And Cost Estimates: The submittal shall include detailed listings of unit quantities, estimated unit costs, and total costs for the earthwork, drainage, storm detention, sewage collection and disposal, water supply and distribution, streets, sidewalks, bike paths, parking areas, pavement lighting, landscaping, and erosion control/site restoration improvements required for the proposed development.

K. Applications And Permits: The applicant shall provide a complete listing of government agency approvals and permits necessary for development of the site and for the installation of specific site improvements. Copies of all applications shall be provided to the department as they are submitted, and approved permits shall be forwarded to the department as they are received.

L. Covenants And Restrictions: The submittal shall include copies of all protective covenants and deed restrictions that are to be placed on the development or property. This submittal requirement is intended to aid in better understanding of the proposed site activities and subdivision governance. The county does not enforce covenants or restrictions.

M. Final Plat Or Development Plan: A map of all or part of the subdivision or development project in substantially the same form as the preliminary plat or development plan, prepared in conformance with the requirements of the state plat act, as applicable, and this chapter. This map shall conform with the requirements of section 8-6-2-1, "General Requirements", of this chapter, and shall indicate the following:

1. Written legal description of the tract to be subdivided or developed.
2. Scale, shown graphically, and north point.
3. Angular, linear, and curvilinear dimensions for all lines, angles, and curvatures, with functions and titles used to describe all boundaries including subdivided tract, lot lines, streets, alleys, easements, areas to be dedicated for public use, and other important features.
 - a. The error of closure of boundary line surveys shall not exceed one in ten thousand (1:10,000). Angular error shall not exceed plus or minus twenty (± 20) seconds.
 - b. Lot lines shall show dimensions in feet and hundredths.
 - c. The bearings of all lot, street, and subdivision perimeter lines shall be shown in degrees, minutes, and seconds.
4. Accurate location of all monuments required by statute and installed or to be installed in such a manner that they may be located by a licensed surveyor.
5. Exact location, width, and name of all streets within and adjoining the plat and the exact location and width of all alleys, pathways, or other rights of way.
6. Accurate outlines and legal description or lot designation of any areas to be dedicated or reserved for public use, including any area to be reserved by deed covenant for common uses of all property owners.
7. An identification system for numbering all lots and blocks using consecutive lot numbers throughout all units of a subdivision, or consecutive lot numbers throughout each identified block.
8. Accurate area of the subdivision tract and accurate areas of all parcels and lots in written form.

N. Monument Record (Subdivisions): In accordance with state statutes, the surveyor of record shall file with the county recorder a monument record for all section and quarter section corners used as reference corners in the preparation of the subdivision plat. This document must be filed no later than the recording date of the final plat.

O. Plat Of Vacation: If existing plats, easements, or rights of way are to be vacated, a separate plat of vacation shall be submitted concurrently with the final plat or development plan and shall be recorded after approval in accordance with state statutes.

P. Improvement Guarantees: Improvement guarantees shall be provided in accordance with section 8-6-4, "Guarantee Of Improvements", of this chapter. (Ord. 10-001, 1-12-2010)

8-6-3: SUBDIVISION AND DEVELOPMENT DESIGN:

The purpose of good subdivision and site design is to create a functional and attractive development, to minimize adverse impacts, and to ensure a project will be an asset to a community. To promote this purpose, the subdivision and/or site plan shall conform to the standards in this section 8-6-3 which are designed to result in a well planned community without adding unnecessarily to development costs. (Ord. 10-001, 1-12-2010)

8-6-3-1: GENERAL SITE DESIGN REQUIREMENTS:

A. Site Analysis: An analysis shall be made of characteristics of the development site, such as:

1. Site context.
2. Geology and soil.
3. Topography.
4. Climate.
5. Ecology.
6. Existing vegetation, structures, and road networks.
7. Visual features and scenic views.
8. Past and present use of the site.

B. Subdivision And Site Design:

1. Existing Plans: Design of the development shall take into consideration all existing local and regional plans for the surrounding area.
2. Basis Of Development: Development of the site shall be based on the site analysis. To the maximum extent practicable, development shall be located to preserve the natural features of the site, to avoid environmentally sensitive areas, and to minimize negative impacts on and alteration

of natural features.

3. Preserved Or Undeveloped Open Space: The following specific areas shall be preserved as undeveloped open space, in accordance with the provisions of chapter 4, "Environmental Standards", of this title, with applicable state and county regulations:

a. Unique and/or fragile areas, including "wetlands" as defined in section 401, federal water pollution control act amendments of 1972, and delineated on wetlands maps prepared by the U.S. fish and wildlife service, field verified by an on site inspection.

b. Significant trees or stands of trees, defined as the largest known individual trees of each species in the state, large trees approaching the diameter of the known largest tree, species or clumps of trees that are rare to the area or of particular horticultural or landscape value, or stands of mature, healthy hardwood trees sensitive to disturbance. Additional tree preservation standards shall comply with chapter 9, "Landscaping And Tree Protection", of this title.

c. Lands in the "floodplain" as defined by state and county regulations.

d. Steep slopes in excess of fifteen percent (15%) as measured over ten foot (10') intervals, unless appropriate engineering measures concerning slope stability, erosion, and resident safety are taken.

e. Habitats of endangered wildlife as identified on federal or state lists.

f. Historically significant structures and sites, as listed on federal or state lists of historic places and areas of archeological importance such as Native American burial grounds or settlements.

4. Additional Considerations: The development shall be laid out to avoid adversely affecting groundwater and aquifer recharge; to reduce cut and fill; to avoid unnecessary impervious cover; to prevent flooding; to provide adequate access to lots and sites; and to mitigate adverse effects of shadows, noise, odor, traffic, drainage, and utilities on neighboring properties.

C. Residential Development Design:

1. Residential lots shall front on residential access or subcollector streets, not on collector streets or township, county or state roads, unless such access or subcollector streets do not exist and are not required to be installed.

2. Variances in lot areas and dimensions, yards, and setbacks may be permitted for the purpose of encouraging and promoting flexibility, economy, and environmental soundness in layout and design provided that the average lots, areas and dimensions, yards, and setbacks within the subdivision conform to the minimum requirements of chapter 3, "District Intensity And Bulk Standards", of this title.

3. Every lot shall have sufficient access to it for emergency vehicles, as well as for those needing access to the property and its intended use.

4. The placement of buildings and individual dwelling units in residential developments shall take into consideration topography, privacy, building height, orientation, drainage, and aesthetics.

D. Commercial And Industrial Development Design: Commercial and industrial developments shall be designed according to the same principles governing the design of residential developments.

1. Buildings shall be located according to topography, with environmentally sensitive areas avoided to the maximum extent practicable.

2. Factors such as drainage, noise, odor, and surrounding land uses shall be considered in siting buildings.

3. Sufficient access shall be provided.

4. Adverse impacts shall be buffered.

E. Circulation System Design:

1. The road system shall be designed to permit the safe, efficient, and orderly movement of traffic; to meet the needs of the present and future population served; to have a simple and logical pattern; to respect natural features and topography; and to present an attractive streetscape.

2. In residential subdivisions, the road system shall be designed to serve the needs of the neighborhood and to discourage use by through traffic.

3. The pedestrian system shall be located as required for safety. Typically, walks shall be placed parallel to the street. Exceptions may be permitted to preserve natural features or to provide visual interest. In planned developments, walks may be placed away from the road system, but they may also be required parallel to the street for safety reasons.

4. Bikeways shall be required if specifically indicated in the county's comprehensive plan.

F. Landscape Design:

1. The amounts, types, and placement of landscaping shall comply with the provisions of chapter 9, "Landscaping And Tree Protection", of this title.

2. Landscaping should be provided at site entrances, in public areas, and adjacent to buildings. The type and amount of landscaping required shall be allowed to vary with the type of development.

3. The plant or other landscaping material that best serves the intended function shall be selected. Landscaping materials shall be appropriate for the local environment, soil conditions, and availability of water. The impact of growth rates, eventual sizes, life spans, and seasonal effects shall also be considered.

G. Stormwater Drainage And Detention: All subdivision and land development projects shall be required to meet applicable regulations presented in and required by section 8-4-5 of this title. (Ord. 10-001, 1-12-2010)

8-6-3-2: OPEN SPACE AND RECREATION:

Residential and mixed use developments in the planned residential (PR) district and all residential cluster developments shall be required to provide open space. Developed open space shall be designed to provide active recreational facilities to serve the residents of the development.

Undeveloped open space shall be designed to preserve important site amenities and environmentally sensitive areas in accordance with chapter 4, "Environmental Standards", of this title.

A. Minimum Requirements:

1. Amount Of Required Open Space: The minimum amount of open space proposed for development shall comply with the requirements of section 8-3-2-1, "Residential Density Standards", of this title, and the resource protection standards specified in section 8-4-2, "Resource Protection

Standards", of this title.

2. **Size Of Open Space Parcels:** The area of each parcel of open space designed for active recreational purposes shall be of such minimum dimensions as to be functionally usable.

3. **Location Of Open Space Parcels:** Open space parcels shall be convenient to the dwelling units they are intended to serve. However, because of noise generation, they shall be sited with sensitivity to surrounding development. Active recreation areas shall not be located adjacent to arterial roadways.

B. Open Space Improvements:

1. The county may require the installation of recreational facilities, taking into consideration:

- a. The character of the open space land;
- b. The estimated age and the recreation needs of persons likely to reside in the development;
- c. Proximity, nature, and excess capacity of existing municipal recreation facilities; and
- d. The cost of the recreational facilities.

2. **Undeveloped Open Space:** As a general principle, undeveloped open space should be left in its natural state. A developer may make certain improvements such as the cutting of trails for walking or jogging, or the provision of picnic areas, etc. In addition, a developer may be required to make other improvements, such as removing dead or diseased trees, thinning trees or other vegetation to encourage more desirable growth, and grading and seeding. However, the preservation of the trees shall comply with chapter 9, "Landscaping And Tree Protection", of this title.

C. **Deed Restrictions:** Any lands dedicated for open space purposes shall contain appropriate covenants and deed restrictions, approved by the county state's attorney ensuring that:

1. The open area will not be further subdivided in the future.
2. The use of the open space will continue in perpetuity for the purpose specified.
3. Appropriate provisions will be made for the maintenance of the open space.

D. **Open Space Ownership:** The type of ownership of land dedicated for open space purposes shall be selected by the owner, developer, or subdivider, subject to the approval of the county board. Type of ownership may include, but is not necessarily limited to, the following:

1. The county, subject to acceptance by the county board.
2. Other public jurisdictions or agencies, subject to their acceptance.
3. Quasi-public organizations, subject to their acceptance.
4. Homeowner, condominium, or cooperative associations or organizations.
5. Shared, undivided interest by all property owners in the subdivision or development.

E. **Homeowners' Association:** If the open space is owned and maintained by a homeowners' or condominium association, the developer shall file a declaration of covenants and restrictions that will govern the association, to be submitted with the application for the preliminary approval. The provisions shall include, but are not necessarily limited to, the following:

1. The homeowners' association must be established before the homes are sold.
2. Membership must be mandatory for each home buyer and any successive buyer.
3. The open space restrictions must be permanent, not just for a period of years.
4. The association must be responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities.
5. Homeowners must pay their pro rata share of the cost, and the assessment levied by the association can become a lien on the property if allowed in the master deed establishing the homeowners' association.
6. The association must be able to adjust the assessment to meet changed needs.

F. **Open Space Maintenance:** The person or entity identified in subsection D of this section as having the right of ownership or control over the open space shall be responsible for its continued upkeep and proper maintenance.

G. **Exceptions To Standards:** Minor deviations from open space standards may be permitted when it can be determined that:

1. The objectives underlying these standards can be met without strict adherence to them; and/or
2. Because of peculiarities in the tract of land or the facilities proposed, it would be unreasonable to require strict adherence to these standards. (Ord. 10-001, 1-12-2010)

8-6-3-3: UTILITY LINES AND MAINS:

A. **General Placement Requirements:** All electric, telephone, television, and other communication lines, both main and service connections, servicing new developments shall be provided by underground wiring. They shall be placed within easements or dedicated public rights of way and installed in accordance with the prevailing standards and practices of the utility or other companies providing such services. Placement of such utility lines within easements rather than street rights of way is preferred and shall be required where necessary to avoid or minimize conflict with pavements, drainage systems, or sewer and water utilities.

B. **Use Of Overhead Existing Lines:** Lots that abut existing easements or public rights of way where overhead electric or telephone distribution supply lines and service connections have previously been installed may be supplied with electric and telephone service from those overhead lines. However, the service connections from the utilities' overhead lines shall be installed underground. In the case of existing overhead utilities, should a road widening, or an extension of service, or other such condition occur as a result of the subdivision and necessitate the replacement or relocation of such utilities, such replacement or relocation shall be underground.

C. **Pole Locations:** Where overhead lines are permitted as the exception, the placement and alignment of poles shall be designed to lessen the visual impact of overhead lines.

1. Alignments and pole locations shall be carefully routed to avoid locations along horizons.

2. Clearing swaths through treed areas shall be avoided by selective cutting and a staggered alignment.

3. Trees shall be planted in open areas and at key locations to minimize the view of the poles and the alignments, and alignments shall follow rear lot lines and other alignments. (Ord. 10-001, 1-12-2010)

8-6-3-4: STREETS, ROADWAYS, AND PATHS:

A. General Provisions:

1. Compliance With Local And State Regulations:

a. Local Plan: Streets shall be planned and arranged to conform to the transportation policies and traffic map contained in the official county policy plan. For streets not shown on the county plan or map, the arrangement shall provide for appropriate extensions of existing streets and anticipated future development of adjacent areas. The county highway engineer and township road commissioner shall be consulted as to the appropriateness of any extensions that affect their jurisdictions.

b. State And Federal Guidelines: It is intended that the streets and roadways covered by this section be in substantial conformance with the Grundy County highway access regulation ordinance and the Illinois department of transportation standards and criteria and the guidelines contained in the American Association Of State Highway And Transportation Officials publication "A Policy On Geometric Design Of Highways And Streets". Variations of specific requirements of this section may be required or allowed to provide design flexibility tailored to particular situations, so long as such variations remain within the intended requirement limits and guidelines.

2. Residential Streets: Residential streets shall be arranged so as to discourage through traffic and provide for maximum privacy.

3. Design Associated With Speed Limit: The street requirements provided in this section are based on a design speed of forty (40) miles per hour for collector streets, thirty (30) miles per hour for subcollector and rural lanes, and twenty five (25) miles per hour for access streets and cul-de-sacs. When allowable design speeds are greater than these values, streets shall be designed in accordance with appropriate standards and criteria of the Illinois department of transportation, bureau of local roads and streets. Street design based on speeds less than those noted above may be required (or allowed) if warranted by development, topographic conditions, or the advice of the county highway engineer or township road commissioner.

4. Standards Applicable To Certain Types Of Streets: The design requirements indicated in this section are for streets and roadways within and adjacent to residential and nonresidential developments and subdivisions intended to serve local access and traffic collection needs. Roadways intended primarily to serve intracounty travel and provide only limited access to abutting lands (arterial and major collector roads) shall be designed in accordance with Illinois department of transportation procedures, standards, and criteria.

B. Street Hierarchy:

1. Streets shall be classified in a street hierarchy system with design tailored to function accordingly. The street hierarchy system shall be defined by road function and average daily traffic (ADT), calculated by trip generation rates prepared by the Institute Of Transportation Engineers. Trip generation rates from other sources may be used if the applicant demonstrates that these sources better reflect local conditions.

2. Each residential street shall be classified and designed for its entire length to meet the standards for one of the street types defined in section 8-17-1-4, figures 1 through 3 of this title. The applicant shall demonstrate to the county's satisfaction that the distribution of traffic to the proposed street system will not exceed the ADT guidelines indicated in section 8-17-1-1 of this title for any proposed street type. Anticipated future developed areas shall be taken into account in determining traffic volumes.

3. Nonresidential development and subdivision streets shall be classified and designed in accordance with the uses served and traffic types and volumes to be handled. Adequate allowance shall be made for generated truck traffic. The design of such streets shall be governed by applicable Illinois department of transportation procedures, standards, and criteria.

C. Pavement Width:

1. Pavement width for each street classification shall be determined by moving traffic, parking, and curbing requirements that are based on the form and intensity of development.

2. Intensity of residential development shall be based on lot frontage as follows in table 8-6-3-4, "Intensity Of Development", of this section:

TABLE 8-6-3-4

INTENSITY OF DEVELOPMENT

Lot Frontage (In Feet)	Intensity
More than 150	Low
80 to 150	Medium
Less than 80	High

3. Pavement width shall also consider possible limitations imposed by sight distance, climate, terrain, and maintenance needs. In order to minimize street costs, the minimum width assuring satisfaction of needs shall be selected.

4. Pavement widths required for each street classification are shown in section 8-17-1-2 of this title.

5. At medium development intensity, with lot frontage greater than one hundred fifteen feet (115'), the pavement width may be reduced (subject to county approval) to that required for low intensity development when front yard setbacks exceed sixty feet (60') and it can be demonstrated that sufficient off street parking will exist.

6. At intersections with significant left turn traffic, the pavement width shall be widened sufficiently to allow for a separate left turn lane. Minimum width of a left turn lane shall be ten feet (10').

D. Pavement Edges:

1. Curbing:

a. Curb requirements shall vary according to street hierarchy and intensity of development in accordance with the requirements shown in sections 8-17-1-2 and 8-17-1-4, figures 1 through 4 of this title.

- (1) For drainage control;
- (2) To stabilize pavement edges;
- (3) To delineate parking areas;
- (4) At intersections;
- (5) At corners; and
- (6) At tight radii.

b. Where curbing is not required, some type of edge definition and stabilization shall be furnished for safety reasons and to prevent pavement deterioration.

c. At medium development intensity, the curbing requirement may be waived where front yard setbacks exceed sixty feet (60') and it can be demonstrated that sufficient off street parking will exist.

d. Flexibility regarding curb type shall be permitted as long as the curb type accommodates the system of drainage proposed. Typically, curbing shall be B6.12 or M3.12 curb and gutter depending on roadway type and site development conditions.

e. Depressed curb sections shall be installed where necessary to provide a ramp for bicycles and/or wheelchairs as required by state law.

f. Curbing shall be constructed according to the specifications included in this section.

2. Shoulders And Drainage Swales:

a. Shoulders and drainage swales shall be provided rather than curbs when:

- (1) Shoulders are specified by other Illinois DOT or Grundy County highway standards.
- (2) Soil or topography makes the use of shoulders and drainage swales preferable.
- (3) It is in the best interest of the county to maintain its rural character by using shoulders and drainage swales instead of curbs.

b. Shoulder requirements shall vary according to street hierarchy and intensity of development in accordance with the requirements shown in sections 8-17-1-2 and 8-17-1-4, figures 1 through 4 of this title.

c. Shoulders shall have widths as indicated in section 8-17-1-2 and 8-17-1-4, figures 1 through 4 of this title, and shall be located within the street right of way. The width of drainage swales shall be determined by site specific conditions.

d. Shoulders shall consist of compacted aggregate and earth material and shall be constructed according to the specifications included in this section.

E. Sidewalks And Pathways:

1. Sidewalks shall be provided, depending on road classification and intensity of development, in accordance with the requirements indicated in sections 8-17-1-2 and 8-17-1-4, figures 1 through 4 of this title. Sidewalks may also be required in proximity to pedestrian generators, to continue a walk on an existing street, to link pedestrian origin and destination areas, or to serve probable future development as indicated in applicable master plans.

2. In conventional subdivisions or development projects, sidewalks shall be placed in the right of way, parallel to the street, unless an exception has been permitted to:

- a. Preserve topographical or natural features;
- b. Provide visual interest; or
- c. Unless the applicant shows that an alternative pedestrian system provides safe and convenient circulation.

3. Pathways are intended for bicycle traffic, as well as pedestrians, and may be required when:

- a. Topography and/or site conditions make the use of pathways preferable;
- b. It is in the best interest of the community to preserve its rural character by using pathways instead of sidewalks; or
- c. Significant bicycle traffic is anticipated and it is desirable to keep such traffic off the roadway.

4. In planned residential or mixed use developments, sidewalks or pathways may be located away from the road system to link dwelling units with other dwelling units, the street, and on site activity centers such as shopping areas and school/recreational areas. They may also be required to be parallel to the street for safety and other reasons.

5. Pedestrianway easements (10 foot minimum width) and pavements may be required through the center of blocks more than six hundred feet (600') long to provide circulation or access to schools, playgrounds, shopping areas, or other community facilities.

6. Sidewalks shall typically be four feet (4') wide. Wider sidewalks may be necessary near pedestrian generators and employment centers. Sidewalks shall be at least six feet (6') wide where they abut curbs or pavements and are subject to vehicle overhang.

7. Pathways shall typically measure six feet (6') in width. Where significant two-way bicycle traffic is expected, an eight foot (8') width shall be required.

8. Sidewalks and pathways shall be constructed according to the specifications included in this section.

F. Bikeways:

1. Separate bicycle paths shall be required:

- a. If such paths have been specified as part of the county's comprehensive plan; or
- b. If such paths are necessary for pedestrian and bicycle traffic circulation within a planned residential or mixed use development.

2. Bicycle lanes, where required, shall be placed in the outside lane of a roadway, adjacent to the curb or shoulder. When on street parking is permitted, the bicycle lane shall be between the parking lane and the outer lane of moving vehicles. Lanes shall be delineated with markings,

preferably striping. Raised reflectors or curbs shall not be used.

3. Bikeways shall be constructed according to the specifications included in this section and also conform to the easement provisions included in subsection 8-6-3-9B of this chapter.

G. Relationship Of Street, Utility, And Shade Tree Locations:

1. Sewer and water utilities shall generally be located within the right of way on both sides of and parallel to the street. Such utilities may also be located in easements adjacent to the right of way, depending on development and site conditions.

2. Underground electric, telephone, television, and other communication lines shall preferably be located within utility easements rather than within street rights of way. Poles for overhead utilities shall be located along street rights of way within two feet (2') of the property/right of way boundary line.

3. Trees along streets with curb and gutter edges and without parkway drainage swales shall be located within the street right of way. Trees along streets with drainage swales shall be placed outside of the street right of way (within 20 feet of said right of way) unless the street parkway is wide enough to avoid interferences between swales and trees. Refer to chapter 9, "Landscaping And Tree Protection", of this title, for additional tree location requirements.

H. Right Of Way:

1. The right of way shall be measured from lot line to lot line and shall be sufficiently wide to contain the required travel pavement, curbs or shoulders, sidewalks, drainage swales, utilities, and shade trees. Right of way widths shall be increased if necessary to accommodate major drainage swales, but swales may be partially located on easements adjacent to the right of way depending on development and site conditions. Typical right of way requirements are shown in sections 8-17-1-2 and 8-17-1-4, figures 1 through 4 of this title.

2. The right of way width of a new street that is a continuation of an existing street shall be continued at a width no less than that of the existing street.

3. The right of way shall reflect future development and traffic conditions anticipated by the county.

I. Cul-De-Sacs:

1. Maximum cul-de-sac lengths shall be a function of the type and density of development served. Rather than requiring a maximum length for all situations, cul-de-sacs shall be classified by traffic volumes (ADT) into the following two (2) street categories:

- a. Residential access streets with a maximum ADT of two hundred fifty (250) and no length limit.
- b. Subcollector with a maximum ADT of five hundred (500) and length limit of one thousand feet (1,000').

2. A length variance for a subcollector street will be considered if the cul-de-sac has a paved emergency access connection to an adjacent collector or higher category street.

3. Turnarounds shall typically be of a circular type with a minimum pavement radius of fifty feet (50'). Subject to specific county highway commissioner approval, turnarounds may be provided with a landscaped island. In such cases, minimum pavement width shall be twenty two feet (22').

J. Sight Distance:

1. Sight distances along roadways and at intersections shall be based on the design speed of the roadways.

2. Minimum stopping sight distance along any type of local street other than a collector shall be two hundred feet (200'). The minimum requirement along a collector street shall be three hundred twenty five feet (325').

3. Design for passing sight distance is seldom applicable on local streets and has not been used as a criterion in establishing the standards indicated in this section. If vehicle passing opportunities are considered necessary or desirable, the horizontal and vertical curve standards shall be adjusted to provide the passing sight distance required for the design speed established.

4. Minimum corner sight distance at intersections of local streets other than collectors shall be three hundred ten feet (310'). At a collector street intersection, the minimum requirement shall be four hundred fifteen feet (415'). Corner sight distance shall be measured from a point on the lower category street at least twenty feet (20') from the edge of the higher category street pavement.

5. Corner sight distance at the intersection of a local street with an arterial or major collector road shall be based on the design speed of said road. Fifty (50) miles per hour requires five hundred fifteen feet (515'), and sixty (60) miles per hour requires six hundred fifty feet (650').

6. To maintain visibility at intersections, sight triangle easements shall be provided at street corners.

a. These easements shall consist of the area within the triangle defined by the following lengths along the street right of way lines, measured from the intersection of said lines. The noted length for the no stop control condition is based on a thirty (30) mile per hour design speed for both streets. If the design speed for either street exceeds thirty (30) miles per hour, the sight triangle lengths shall be adjusted accordingly.

(1) Forty feet by forty feet (40' x 40') where stop control is provided.

(2) Ninety feet by ninety feet (90' x 90') where stop control is not provided.

b. Landscaping, structures, or other accessory uses shall comply with the provisions of section 8-2-3-16, "Vision Clearance For Corner Lots", of this title. A public right of entry shall be reserved for the purpose of removing any object or material that obstructs the clear sight.

c. Existing ground, vegetation, trees, and structures within this easement that would create a traffic hazard by limiting visibility shall be removed to the extent necessary to provide adequate visibility.

K. Grades And Vertical Curves:

1. Minimum street grade permitted for streets with curb and gutter shall be 0.5 percent. Where topographical conditions permit, grades in excess of 0.5 percent shall be used.

2. Maximum street grade shall vary by road hierarchy, with flatter grades required for roads with higher ADTs, in accordance with the requirements shown in section 8-17-1-3 of this title.

3. Intersections shall be designed with a flat grade wherever practical. Maximum grade within fifty feet (50') of intersections shall be as indicated in section 8-17-1-3 of this title.

4. Minimum length or crest and sag vertical curves shall be based on providing an adequate stopping site distance and shall be as shown in section 8-17-1-3 of this title.

L. Intersection And Roadway Geometrics:

1. Street intersections shall be as nearly at right angles as possible. In no case shall an intersection be at less than seventy five degrees (75°).
2. New intersections along one side of an existing street shall, if possible, coincide with any existing intersections on the opposite side of each street. Use of "T" intersections in subdivisions shall be encouraged. To avoid corner cutting when inadequate offsets exist between adjacent intersections, offsets shall measure at least one hundred seventy five (175) to two hundred feet (200') between centerlines.
3. Intersections shall be rounded at the surface edge (curb line), with the street having the highest radius requirement as shown in section 8-17-1-3 of this title, determining the minimum standard for all surface edges (curb lines).
4. Intersections with roads under the jurisdiction of an agency other than the county or local township shall be as specifically required by the subject agency.
5. Minimum requirements for centerline radius, tangent length between reverse curves, and edge radii shall be as shown in section 8-17-1-3 of this title.

M. Pavements:

1. Cross Section Slopes:
 - a. Pavement cross slope (crown) must be adequate to provide proper drainage. Bituminous pavement cross slopes shall be three- sixteenths inch ($\frac{3}{16}$ ") to three-eighths inch ($\frac{3}{8}$ ") per foot. Aggregate pavement cross slopes shall be one-fourth inch ($\frac{1}{4}$ ") to one-half inch ($\frac{1}{2}$ ") per foot.
 - b. Bituminous shoulder cross slopes shall be one-fourth inch ($\frac{1}{4}$ ") to one-half inch ($\frac{1}{2}$ ") per foot. Gravel shoulders shall be one-half inch ($\frac{1}{2}$ ") to three-fourths inch ($\frac{3}{4}$ ") per foot, and turf shoulders shall be three-fourths inch ($\frac{3}{4}$ ") to one inch (1") per foot.
 - c. At super elevated pavement sections, shoulder cross slopes shall be adjusted so that the algebraic difference between the pavement and shoulder slopes does not exceed eight percent (8%).
 - d. Front slopes of drainage swales shall not exceed three to one (3:1). Back slopes shall not exceed two to one (2:1). Back slopes more than four feet (4') high shall not exceed three to one (3:1).
 - e. Pavement superelevation is typically not used on local streets but, depending on conditions, may be required on collector streets. The rate of superelevation shall not exceed 0.08 foot per foot for rural conditions and 0.04 foot per foot for urban conditions.
2. Thickness And Materials:
 - a. Local streets covered by this chapter shall typically consist of bituminous concrete surface and binder courses, an aggregate base course, and a geotextile fabric placed on a suitable nonorganic subgrade.
 - b. Required pavement thickness shall be a function of traffic volumes anticipated, pavement materials used, and subgrade support available.
 - c. Pavement thickness design procedures and criteria shall be in accordance with the Illinois department of transportation publication "Structural Design Of Flexible Pavement".
 - d. Residential collector streets shall have a structural number of 3.0 or greater. The minimum structural number for all other local residential streets shall be 2.5. Streets intended for commercial or industrial development shall have a structural number of 3.0 or greater. These minimum requirements are based on a subgrade IBR value of 3.0. If this subgrade strength is not available, the pavement structure section shall be increased in accordance with IDOT design procedures.
 - e. Street pavements shall be constructed according to the specifications included in this chapter.
3. Typical Street Sections: Section 8-17-1-4, figures 1 through 4 of this title graphically display the various requirements indicated in this section. The street sections shown are intended to meet typical conditions and shall be required unless revisions are approved by the county. Such changes or variations will be allowed or required if, by reasonable and current engineering practices and standards, they are determined necessary to resolve specific traffic or site conditions.

N. Driveways:

1. Local access driveway connections to public streets shall typically be constructed in accordance with section 8-17-1-5 of this title.
2. Revisions to the requirements indicated in section 8-17-1-5 of this title, may be necessary to accommodate specific roadway, site or traffic conditions (see subsection M3 of this section).

O. Signs And Markings:

1. Traffic control signs and pavement markings shall be provided and installed in conformance with the principles and standards contained in the Illinois department of transportation publication "Manual On Uniform Traffic Control Devices" (MUTCD).
2. The locations and detailed requirements of regulatory and warning signs and pavement markings shall be as required by the county highway department.
3. Pavement centerlines shall be provided on streets with an ADT greater than five hundred (500) vehicles. Pavement edge lines shall be provided on streets with shoulders when the ADT exceeds five hundred (500) vehicles. Centerlines and edge lines shall also be provided in other situations when specifically required by the county.
4. Street name signs shall be installed at all street intersections. Placement, size and materials shall be in accordance with IDOT and MUTCD requirements. At four-way intersections, two (2) sign installations shall be provided. These signs shall be placed on diagonal corners so that they will be on the near left hand and far right hand sides of the intersection for vehicles on the street with the higher traffic volume.
5. Information signs in planned residential or mixed use developments shall be placed so as to avoid street sight distance and other traffic safety problems. Such signs shall also follow a design theme that is related and complementary to other elements of the overall site design. Placement, size, and appearance of information signs shall be subject to approval of the county.
6. Traffic control signs along public roadways shall be installed by the governing local agency (township or county highway department).

Material and installation costs shall be paid for by the developer.

P. Street Lighting:

1. Streetlights typically shall be provided at all street intersections, at commercial/industrial driveways, at residential off street parking access drives, and at a spacing not to exceed six hundred feet (600') between intersections. Streetlights shall also be provided at curves where specifically required by the county.

2. Continuous lighting may be required along commercial/industrial land use streets and along collector streets within or adjacent to high and medium intensity developments. The need for continuous lighting shall depend on the intensity of land use, volume of vehicle traffic, and amount of pedestrian traffic.

3. The publication "American National Standard Practice For Roadway Lighting" shall be used as a guide in the design of street lighting systems. Illumination levels and uniformity ratios should be as recommended in that publication.

4. Streetlights shall typically consist of a sharp cutoff type luminaire, with a four (4) to six foot (6') bracket arm mounted on a concrete or steel standard (pole). Maximum mounting height within residential areas shall be thirty feet (30'). Specific luminaire and standard provided shall be as approved by the county.

5. Streetlights shall be provided and installed according to county specifications.

6. The owner, subdivider, and owners of each subdivision required by this section to have a street lighting system shall be required to establish a subdivision or homeowners' association to maintain the system. It shall be responsible for payment of the repair, replacement, maintenance, and energy costs generated by the street lighting system once it is provided by the owner or subdivider. The association shall be responsible for payment directly to the provider of repair, replacement, maintenance, or energy services. The association shall keep the street lighting system in good repair and shall repair or replace nonoperating fixtures or other portions of the system within thirty (30) days of the time they become nonoperational. (Ord. 10-001, 1-12-2010)

8-6-3-5: OFF STREET PARKING:

A. Number Of Spaces: The number of off street parking spaces that shall be required shall be as specified in chapter 8, "Off Street Parking And Loading; Access Management; Exterior Lighting", of this title.

B. Size Of Spaces And Aisles: The dimensions of automobile off street parking spaces and aisles shall comply with the provisions of chapter 8, "Off Street Parking And Loading; Access Management; Exterior Lighting", of this title.

C. Parking Areas:

1. Location: Automobile off street parking areas in planned residential or mixed use projects shall be oriented to and be located within a reasonable walking distance of the buildings they are designed to serve. Maximum walking distances shall be:

- a. Two hundred fifty feet (250') for residents,
- b. Three hundred feet (300') for guests, and
- c. Eight hundred feet (800') for shoppers and employees.

2. Access: Access to parking areas shall be designed so as not to obstruct the free flow of traffic. There shall be adequate provision for entrance to and exit from all parking spaces to ensure ease of mobility, ample clearance, and safety of vehicles and pedestrians.

3. Sidewalks: Where sidewalks occur in automobile parking areas, parked vehicles shall not overhang the sidewalk unless an additional two feet (2') of sidewalk width is provided in order to accommodate such overhang.

4. Pavement Markings And Signs: All parking spaces, turning lanes, no parking zones, etc., shall be adequately defined with pavement markings. Signs shall be installed as required to control traffic movements and parking. Stop signs shall, in all cases, be installed at exit drive street locations.

5. Landscaping: Parking areas shall be suitably landscaped to minimize noise, glare, and other nuisance characteristics, as well as to improve the environment of the site and surrounding area. Large parking lots shall be broken down into sections as appropriate for the type and size of the development. Sections shall be separated by landscaped dividing strips, berms, and similar elements. Landscaping shall also be consistent with the requirements of chapter 9, "Landscaping And Tree Protection", of this title.

D. Pavements:

1. Off street parking and driveway pavements shall typically consist of bituminous concrete surface and binder courses and an aggregate base course as a suitable nonorganic subgrade. The use of a geotextiles fabric between the base course and subgrade is suggested.

2. Required pavement thickness shall be determined in accordance with subsection 8-6-3-4M2 of this chapter.

3. Parking areas (spaces and aisles) with little or no truck traffic shall have a structural number of 2.2 or greater. The minimum structural number of main drives with significant traffic volume and driveways that serve truck traffic shall be 2.5.

4. Single-family residential driveways shall, as a minimum, consist of two inches (2") of bituminous concrete and six inches (6") of aggregate base. Residential driveways in agricultural areas may be of stone or gravel where such driveways commonly exist on surrounding properties of similar use.

5. Driveway aprons within street rights of way shall be as indicated in subsection 8-6-3-4N of this chapter.

6. The use of curbs along pavement edges is suggested. Curbs or precast wheel stops shall be provided along all parking spaces.

7. Where curbs are not provided along pavement edges, the base course shall extend one foot (1') beyond the edge of the binder and surface courses.

8. Parking area and driveway pavements shall be constructed according to the specifications included in this chapter. (Ord. 10-001, 1-12-2010)

8-6-3-6: SEWAGE COLLECTION AND DISPOSAL :

A. General Sewage Collection And Disposal Requirements:

1. Developments and occupied facilities shall be connected to an approved and functioning public or community sewage collection and centralized treatment system, where such a system is available. Where public or community sewers and a centralized treatment plant are not available, developments shall provide and occupied facilities shall be connected to such a collection and treatment system when required by the

county, as discussed in this section.

2. The use of individual lot or building on site sewage disposal systems or facilities shall be restricted and shall be dependent on local soil and groundwater conditions and the known or anticipated extent/density of development within the area. The use of cluster on site disposal systems may be required by the county health department to overcome adverse site conditions.

3. Depending on the number of dwelling units, residential developments shall be connected to an existing sanitary sewer system if service is available, within the following distances from the nearest property line to the sanitary sewer as shown in table 8-6-3-6, "Sanitary Sewer System Distance Requirements", of this section.

TABLE 8-6-3-6

SANITARY SEWER SYSTEM DISTANCE REQUIREMENTS

Development Size	Distance
1 unit	300 feet
2 units	400 feet
3 units	600 feet
4 units	800 feet
5 - 15 units	1,000 feet

4. When a residential subdivision or development with more than fifteen (15) units is located within one mile of an existing sanitary sewer system, adequate justification shall be provided as to why it should not be connected to the existing sewer system. For residential developments with more than fifteen (15) units and located more than one mile from an existing system, sewage disposal strategy shall be determined on a case by case basis, taking into consideration the density of development, costs, and the concerns and criteria noted in this section.

5. Small scale nonresidential developments may be required to be connected to an existing sanitary sewer system if service is available within one thousand feet (1,000'). Requirements for large scale nonresidential development within or more than one mile from an existing system shall be as indicated in subsection A4 of this section. Judgments and decisions regarding nonresidential factors such as size, water use, and suitability of on site sewage disposal facilities shall be as reasonably determined by the county on an individual basis taking into account the specific characteristics of the development.

6. A complete public or community sewage collection and centralized treatment system may be required by the county in order to:

- a. Protect the quality of groundwater that may be used for potable water.
- b. Protect the quality of surface waters including wetlands, streams, ponds, lakes, and rivers.
- c. Maintain the quality of aquatic habitats, thereby protecting a variety of plant and animal species.
- d. Prevent failure of individual sewage disposal systems.
- e. Protect citizens from the health hazards associated with the failure of individual sewage disposal systems.
- f. Protect public investments in public sewer systems.

7. The following conditions shall be evaluated in determining the necessity of a public or community sewage system in place of individual or cluster on site sewage disposal systems:

- a. Location of the development with regard to extraterritorial limits of municipalities with public sewage systems.
- b. Classification of the soils within areas proposed or needed for septic ground absorption fields, with regard to the suitability or restrictions of these soils for such absorption fields. The land use department requires that, prior to permitting and installing a new septic system, a soil evaluation, performed by a member of the Illinois Soil Classifier Association, must be made in the area that the proposed system is to be installed. This percolation ("perc") test is necessary to determine the absorption capacity of soils, and the test results will be useful in determining the appropriate type of sewage disposal system.

c. The possibility of future adjacent development that could negatively impact the concerns noted in subsection A6 of this section.

8. If a sanitary sewer system is not available and a new community sewage system with centralized treatment is not warranted or feasible, residential housing units and nonresidential facilities shall be served by individual or cluster on site sewage disposal systems.

- a. Development density and lot sizes shall be in accordance with county requirements for the use of such on site disposal systems.
- b. The type and design of these on site systems shall be subject to specific site conditions listed by the county health department. They include, but are not limited to, topography, soil types, bedrock, and groundwater.
- c. The use of cluster systems or other alternative on site collection and treatment systems may be required to overcome unsuitable conditions. A cluster system shall typically consist of individual septic tanks for each lot or building, a gravity or pressure sewer system, and a small neighborhood treatment facility such as a sand filter or aerobic plant.
- d. The use, design, installation, and operation of all on site sewage disposal systems shall conform to the requirements of the county health department and will require a permit issued by said department.

(1) In some cases, permit approval of the Illinois EPA will be required in lieu of county approval. Systems that are regulated by the IEPA are not regulated by the county health department.

(2) The county health department enforces the Illinois private sewage disposal act and code which is promulgated, published, and enforced by the Illinois department of public health (IDPH). The county has adopted and does enforce standards that are more stringent than those of the IDPH.

9. If it is determined that soil conditions will not support on site disposal and a satisfactory central collection and disposal system cannot be provided and maintained, the subdivision or development project shall be denied by the county board.

10. Due to adverse soil or water table conditions, the following requirements shall apply: Individual dwellings within subdivisions of three (3) or

more lots and nonresidential and multi-family residential facilities within any size development that are otherwise permitted to have individual on site sewage disposal systems may be required to have one of the following alternative on site disposal systems in lieu of a conventional septic tank seepage field system. Specific requirements shall be as specified by the county health department upon determination of actual site conditions.

- a. Septic tank with pumped discharge to an elevated sand filter (Wisconsin mound).
- b. Septic tank with a buried sand filter and trickle trenches.
- c. Aerobic treatment plant with pumped discharge to a full size seepage field, a buried sand filter, or an elevated sand filter (Wisconsin mound).
- d. Aerobic plant with a trickle trench connected to a subsurface drainage pipe or storm sewer.
- e. Other approved "alternative" systems.

11. Developments that are permitted to have individual sand filter or aerobic plant on site sewage disposal systems will be required to install common, community discharge sewers connecting all individual on site systems to an acceptable receiving stream or body of water, if the local site, soil, and groundwater conditions indicated in subsection A10 of this section will prevent adequate subsurface disposal of effluent from seepage fields or sand filters. Determination of local conditions and the need for common discharge sewers shall be by the county health department.

12. When soil conditions are rated severe for ground absorption disposal of effluent, installation of a subsurface drainage system may be required (by the county health department) to lower the groundwater level. Such drainage systems shall be designed to prevent entry of sewage system effluent.

13. If a public or community sewage collection and treatment system is required, an agreement between the county and the applicant (developer) may be established (at the county's option) to enable equitable recoupment of system construction and operating costs if other developments connect to the system.

14. If a sanitary sewer system will be provided to the area within a five (5) year period as indicated in a sewer master plan, official map, or other official document, the county may require installation of a capped system, or "dry lines" (mains only), or the county may require a payment in lieu of the improvements.

15. All proposals for new sanitary sewer systems, or extensions to existing sewer systems, or the installation of "dry lines", or the use of individual on site disposal systems shall be subject to the approval of the county.

B. Public System Capacity:

1. Sanitary sewer systems shall be adequate to handle anticipated flows based on complete development of the defined service area. Sewer flow from future development areas shall be based on estimates of development type and density as determined by the Illinois EPA. Sewers shall be designed to carry peak flows from the areas served.

2. Average and peak flows from proposed development areas and facilities shall be calculated from sewage flow guides and standards determined to be acceptable to both the county and the Illinois EPA.

3. Daily sewer flows from residential areas shall be determined from the population served. For design purposes, average daily wastewater flow shall be assumed to be one hundred (100) gallons per day (gpd) per person. A lower per capita flow rate may be used if it can be substantiated to the satisfaction of both the county and the Illinois EPA.

4. Peak flows for residential area systems with populations of less than five hundred (500) people shall be assumed to be four (4) times average daily flow. Peak flow ratios for larger systems shall be determined from the following formula:

$$\frac{O_{max}}{O_{avg}} = \frac{18 + (P)^{1/2}}{4 + (P)^{1/2}}, \text{ where } P = \text{population in thousands}$$

C. System Design And Layout:

1. General Design And Layout Requirements:

a. Sewage system criteria and standards shall be in accordance with accepted engineering practices regarding such systems. The county shall have the prerogative to make use of those practices that it believes to represent the best available information and procedures.

b. Alternatives to standard gravity sewer systems such as pressure sewers (grinder pump or septic tank effluent pump), small diameter gravity sewers, and vacuum sewers may be permitted by the county, depending on specific development and site conditions and circumstances.

c. Sewage collection and treatment facilities shall be designed and constructed to conform with all applicable EPA regulations and permit requirements.

2. Location Of Public Sewers:

a. Sanitary sewers shall typically be located within street rights of way or in utility easements adjacent to street rights of way.

b. Sanitary sewers may be located within open space areas or along rear or side lot lines, if such a layout provides an efficient system and if adequate maintenance access is provided to all manholes.

c. If maintenance access cannot be provided to an entire section of sewer between manholes, or if a sewer is close to a building or within a high groundwater area, or if it passes under a creek or river, the use of water main quality pressure pipe shall be required.

d. All sewers not within dedicated street rights of way shall be located within defined utility easements. Easements adjacent to street rights of way shall be at least ten feet (10') wide. Sanitary easements otherwise located shall have a minimum width of twenty feet (20').

e. Sanitary sewers shall not be located closer than twenty feet (20') from any building or structure.

f. Any sewer within one hundred feet (100') of a water supply well or a below ground water storage reservoir shall be constructed of water main quality pressure pipe.

3. Public Sewer Mains (Standard Gravity Systems):

- a. Sewer flow capacity shall be calculated by the Manning formula using $n = 0.013$. Minimum allowable velocity with pipe full or half full shall be two feet (2') per second (fps). Maximum velocity shall be ten (10) fps.
- b. The minimum sewer size shall be eight inches (8") in diameter.
- c. The minimum slope for eight inch (8") sewers shall be 0.4 percent. Where possible, a slope greater than minimum shall be provided for sewers with limited use to minimize blockages due to low flow.
- d. The maximum manhole spacing shall be four hundred feet (400').
- e. The minimum sewer depth shall typically be eight feet (8') to avoid utility conflicts. The minimum depth in a special case circumstance shall be five feet (5').

4. Building Services:

- a. Minimum gravity service sewer size shall be four inches (4") in diameter. The minimum slope shall be one percent (1%).
- b. Two (2) service sewers may be placed in the same trench when they serve adjacent attached units.
- c. A common service sewer may be permitted for multi-family housing or multi-unit nonresidential buildings where there is an entity (such as an owners' association) responsible for the maintenance of the common services.
- d. Service risers shall be provided where the sewer depth exceeds twelve feet (12').

5. Additional Requirements: Sanitary sewer system material, equipment, and construction requirements shall be as indicated in the specifications included in this chapter. (Ord. 10-001, 1-12-2010)

Notes

- 1. See also title 5, chapter 2 of this code.

8-6-3-7: WATER SYSTEMS :

A. General Potable Water Supply Requirements: All developments and occupied facilities shall be properly connected to an approved and functioning public/community water system where such a system is available. Where a public/community water system is not available, developments shall provide and occupied facilities shall be connected to such a system when required by the county, as discussed in subsections C1a and C1b of this section. The use of individual private wells shall be restricted and shall be dependent on local groundwater conditions, the type of sewage disposal system used, and the known or anticipated extent/density of development within the area.

B. Connection To Existing System:

1. Depending on the number of dwelling units, residential developments shall be connected to an existing water supply system if service is available within the following distances from the nearest property to the water system:

TABLE 8-6-3-7A

WATER SYSTEM DISTANCE REQUIREMENTS

Development Size	Distance
1 unit	200 feet
2 units	400 feet
3 units	600 feet
4 units	800 feet
5 - 15 units	1,000 feet

2. When a residential development with more than fifteen (15) units is located within one mile of an existing water system, adequate justification shall be provided as to why it shall not have a connection to the existing water supply system. For residential developments with more than fifteen (15) units and located more than one mile from an existing system, water supply system strategy shall be determined on a case by case basis taking into consideration density of the development, costs, groundwater availability and quality, and the concerns and criteria noted in subsections C1a, C1b, C1c and C2 of this section.

3. Small scale nonresidential developments may be required to be connected to an existing water supply system if service is available within one thousand feet (1,000'). Water supply requirements for large scale nonresidential developments within or more than one mile from an existing system shall be as indicated in subsection B2 of this section. Judgments and decisions regarding nonresidential factors such as size, water use, and fire protection needs shall be as reasonably determined by the county on an individual basis taking into account the specific characteristics of the development.

C. Type Of System:

1. Public Or Community Water System:

a. When warranted, a complete public/community water system, including supply well, storage and treatment facilities, and distribution mains may be requested by the county in order to:

- (1) Ensure the availability of potable water meeting the quality standards established by the Illinois EPA.
- (2) Enable proper monitoring and testing of potable water supplies for public health purposes.
- (3) Provide an adequate level of fire protection.

b. The following conditions shall be evaluated in determining the necessity of a public/community water supply system in lieu of private individual wells:

- (1) Location of the development with regard to extraterritorial limits of municipalities with public water systems.
- (2) Availability and quality of existing groundwater supply sources.
- (3) Development density and type with regard to the level of fire protection that should be provided.
- (4) The possibility of future additional development that could negatively impact private individual well water supply sources.

c. Residential and nonresidential developments and subdivisions that will have nine (9) or more lots, fifteen (15) or more service connections, or twenty five (25) or more residents or occupants shall be required to provide a community water system. Individual wells may be allowed through variance, depending on the conditions indicated in subsection A of this section. A variance shall only be granted to parcels of record as of August 9, 1994, whether the parcel of record is subdivided or developed as a whole or in phases.

d. If a public/community water system is required, an agreement between the county and the applicant (developer) may be established (at the county's option) to enable equitable recovery of system and operating costs if other developments connect to the system.

e. If a public water supply system is to be provided to the area within a five (5) year period as indicated in a water master plan, official map, or other official document, the county may require installation of a capped system or dry lines (mains only), or the county may require a payment in lieu of the improvement.

2. Private Water Supply ²: If a water supply system is not available and a new community water system is not warranted or feasible, residential housing units and nonresidential facilities shall be served by individual private wells. The use, design, and installation of such wells shall conform to county health department requirements and will require a permit issued by said department.

3. Approval Of Water Supply Required: All proposals for new community water supplies, or extensions to existing water systems, or the installation of dry lines, or use of wells and other water sources shall be subject to the approval of the county.

D. System Capacity:

1. The water supply system shall be adequate to handle anticipated flows based on complete development of the water system service area.
2. The demand rates for all uses shall be considered in computing total system demand. Where fire protection is provided, the system shall be capable of providing the required fire demand plus the required domestic demand.
3. Daily residential demand shall be computed in accordance with the population served. The water use per person for such calculations shall be one hundred (100) gpd for single-family detached units and eighty (80) gpd for other housing types.
4. Nonresidential demand shall be computed from water use data and standards determined to be acceptable to both the county and the Illinois EPA.
5. Residential water systems shall be designed to carry peak hour flows and be capable of delivering the following peak hour demands with a minimum water main pressure of thirty five (35) psi:

TABLE 8-6-3-7B

WATER SYSTEM DISTANCE REQUIREMENTS

Total Residential Units Served	Peak Hour Rates (GPM Per Unit)
5	8
10	5
50	3
100	2
250	1.3
500	0.8
700	0.7
1,000 or more	0.6

6. Fire protection facilities (hydrants, storage tanks, and large capacity pumps) shall be furnished as part of a community water supply system whenever feasible. Minimum fire flows shall be based on recommendations by the American Insurance Association and the National Board Of Fire Underwriters. Detailed fire protection requirements shall be as specified by the local fire department or fire protection district.

7. For developments of one- and two-family dwellings, not exceeding two (2) stories in height, the following fire flows may be used:

TABLE 8-6-3-7C

WATER SYSTEM FIRE FLOW REQUIREMENTS

Distance Between Buildings ¹	Required Fire Flow
Over 100 feet	500 gpm
21 - 100 feet	750 - 1,000 gpm
11 - 20 feet	1,000 - 1,500 gpm
10 feet or less	1,500 - 2,000 gpm

Note:

1. For contiguous buildings (attached dwelling units of 2 or more two-family units and/or multi-family units), a minimum of 2,500 gpm may be used.

8. When standard fire protection facilities are not feasible for a small community water system and in rural type developments not served by a community water system, supplementary fire protection shall be provided by means of special manhole structures or suitable riser pipes connected to available water sources such as ponds or lakes. Said facilities are intended to enable fire vehicle storage tanks to be refilled by drawing water from the water source. These facilities shall be installed adjacent to street pavements and connected to water sources with pipes set three (3) to five feet (5') below normal water level.

E. System Design And Layout:

1. General Design And Layout Requirements:

a. Water supply system criteria and standards shall be in accordance with accepted engineering practices regarding such systems. The county shall have the prerogative to make use of those practices that it feels represent the best available information and procedures.

b. The design and construction of water distribution systems; water supply wells; and treatment, storage, and pumping facilities shall comply with all applicable American Waterworks Association (AWWA) standards and all Illinois EPA regulations and permit requirements.

2. Water Main Location:

a. Water mains shall typically be located within street rights of way or in utility easements adjacent to street rights of way.

b. Water mains may be located within open space areas or along rear or side lot lines if necessary to create looped main systems and if adequate maintenance access is provided to valves.

c. All water mains not located within street rights of way shall be placed within defined utility easements. The minimum width of such easements shall be ten feet (10').

d. Water mains shall be located no closer than twenty feet (20') from any building or structure.

3. Distribution Mains:

a. The minimum pipe size shall be eight inches (8") in diameter, except in specific instances where a six inch (6") diameter is warranted and is approved by the county.

b. Looped mains shall typically be required, but nonlooped mains for short cul-de-sacs, small cluster housing areas, and similar situations will be considered on an individual basis.

4. Valves:

a. Water main valves shall be located so that no more than three (3) of them are required to be shut off to isolate any section of main. In no event shall more than five (5) valves have to be shut off to isolate a section upon connection of a new main with an existing main.

b. The maximum valve spacing shall be one thousand feet (1,000').

c. Distribution main valves shall be placed in concrete vaults. Valves on large size building service lines and fire protection service lines may have cast iron valve boxes.

5. Fire Hydrants:

a. Hydrants shall be located and spaced such that two hundred fifty foot (250') radius circles centered on each hydrant cover at least seventy six percent (76%) of each individual building on a site. All points of a building shall be within a three hundred fifty foot (350') radius of one or more hydrants. Where, in the opinion of the county, a subject building is not accessible from a specific hydrant, that hydrant shall not be used to determine the adequacy of coverage of the building.

b. Where water mains are installed in an area prior to knowing the intended layout of the buildings intended to be served, hydrants shall be provided at intervals not exceeding four hundred fifty feet (450').

c. Hydrants need not be provided in open space areas or along roadways where there are no buildings existing or planned within a distance of three hundred feet (300'), or where the buildings are not accessible from the water main location. But the county has the option of requiring a reasonable number of hydrants for specific uses other than protecting project structures.

d. One hydrant may be installed on a nonlooped six inch (6") main extension not exceeding three hundred feet (300') in length, provided there are no building fire protection services connected to the extension.

e. Hydrant locations shall be subject to review by the local fire protection authority.

6. Building Services:

a. A separate water service connection for each unit shall be utilized for detached housing and nonresidential buildings where maintenance is the responsibility of the individual property owner.

b. Common water service connections may be allowed for multi-family housing and multi-unit nonresidential buildings where there is an entity (such as an owners' association) responsible for the maintenance of the common water services. Where common services are utilized, individual water shutoffs shall be provided for each unit.

c. The minimum size service for an individual dwelling unit shall be a one inch (1") line with a three-fourths inch (3/4") meter.

d. Services for multi-unit buildings shall be sized for the number of units served and to provide fire protection, if required.

e. Two (2) service lines may be placed in the same trench when they serve adjacent attached dwelling units.

f. Water services and sanitary services may be placed in the same trench, provided that the water service is placed on an earth bench at least eighteen inches (18") above the top of the sanitary service pipe.

7. Additional Requirements: Water distribution system material, equipment, and construction requirements shall be as indicated in the specifications included in this chapter. (Ord. 10-001, 1-12-2010)

1. See also title 5, chapter 3 of this code.

2. See also title 5, chapter 3 of this code.

8-6-3-8: PUBLIC UTILITIES:

A. Location Of Utility Lines: All utility distribution lines for electric, gas, and telephone services within and adjacent to subdivisions shall be placed underground within defined easements or within dedicated rights of way, as described in section 8-6-3-3, "Utility Lines And Mains", of this chapter.

B. Overhead Lines: Overhead electric and telephone lines will be permitted only in special circumstances when specifically approved by the county board.

C. Approval From Street Or Highway Authority: Placement and construction of electric, gas, and telephone utility lines and structures within street and highway rights of way shall be subject to the approval of the appropriate street or highway authority.

D. Avoidance Of Conflicts With Roads Or Other Utilities: Underground electric, gas, and telephone lines shall be located and installed so as to avoid conflicts with and prevent damage to other underground utilities, such as sewers and water mains. Aboveground structures, such as transformers, shall be located so as not to be roadway traffic hazards or obstruct overland drainage.

E. Compliance With State Regulations: Installation of electric, gas, and telephone utilities shall be in compliance with applicable orders, rules, and regulations of the Illinois commerce commission. The developer shall be responsible for compliance with rules and regulations of all public utility companies that will service the development. Utility company rules and regulations shall be those filed with the Illinois commerce commission and in effect with regard to the utility service to be provided. The developer shall also be responsible for providing the county engineer with all public utility location plans for review and record purposes.

F. Cable Television And Other Communications Services: Installation requirements for cable television or other types of communication or information lines and facilities shall be in accordance with those indicated for electric, gas, and telephone utilities. (Ord. 10-001, 1-12-2010)

8-6-3-9: EASEMENTS:

A. Utility And Drainage Easements:

1. Easements for utility and drainage purposes shall be provided along the rear and side lot lines of all lots within a subdivision and along the rear and side property lines of individual development sites, except where the county's review engineer determines such easements are unnecessary. Easements containing or intended to contain sewer, water main, electric, natural gas, or telephone utilities shall be not less than twenty feet (20') wide. Easements for overland drainage only shall be not less than ten feet (10') wide. Such easements shall be centered on the lot or property lines except where site conditions warrant offsetting the easement.

2. Utility and drainage easements shall be provided along front and side lot and property lines adjacent to street rights of way where required.

3. Utility easements shall be in substantial conformance to the requirements of the utility companies that service the area. The developer shall furnish evidence that easement layouts and provisions have been reviewed by all of the individual companies or organizations responsible for furnishing the services involved. Conflicts shall be resolved prior to county approval of the final subdivision plat or development plan.

4. Where a property or subdivision is traversed by a watercourse, drainageway, channel or stream, or other body of water, appropriate easements shall be provided to accommodate observed, computed, or anticipated stormwater drainage through and from the site. The width or extent of the easement shall conform substantially with the base flood elevation or estimated high water level of the watercourse and shall allow access for construction and maintenance equipment.

5. Storm detention basins and other types of flood control facilities shall be provided with permanent easements reserving the use of such areas for drainage and flood control purposes. The limits of these easements shall extend sufficiently beyond the planned high water level to allow access for construction and maintenance equipment. Where such facilities are not adjacent to public rights of way, additional easements, not less than twenty feet (20') wide, shall be provided allowing personnel, vehicle, and equipment access from the public right of way to perform construction or maintenance work on the facilities.

B. Sidewalk And Bike Path Easements: Easements for sidewalks or bike paths shall be provided along street rights of way or along lot or property lines in accordance with the approved development plan. Such easements shall be not less than ten feet (10') wide when located adjacent to a street right of way and not less than twenty feet (20') wide when located elsewhere.

C. Construction Vehicle Turnaround Easements: Temporary vehicle turnaround easements shall be provided at the ends of streets planned to be extended in the future. The dimensions of such easements shall be as necessary to accommodate a circular or "T" shaped turnaround, as required by the county's review engineer. Upon completion of the future public street extension, the temporary turnaround easement shall be considered automatically vacated for such use.

D. Clear Sight Distance Easements: Easements to provide clear sight distance shall be provided at street intersections. Such easements shall be in accordance with subsection 8-6-3-4J, "Sight Distance", of this chapter.

E. No Access Strip Easements: Easements defined as no access strip easements shall be provided along lot and property lines abutting streets, upon which no vehicle driveway will be allowed. Such easements shall be at least fifteen feet (15') wide.

F. Screen Planting Easements: Where landscape buffers or screens are required in accordance with this chapter, screen planting easements may be required by the county to ensure the permanent use of such areas for landscape buffer/screen purposes.

G. Alterations Or Damages To Easements: In the event that areas or facilities within designated easements are altered, damaged, or destroyed so as to impede or prevent the uses for which they were intended or change the conditions or requirements shown on the development site improvement plans, the county will have cause to have such alterations or damages corrected at the expense of the party or parties causing such alterations or damages. (Ord. 10-001, 1-12-2010)

8-6-4: GUARANTEE OF IMPROVEMENTS:

Improvement guarantees shall be provided to ensure the proper installation and maintenance of required street, utility, drainage, and other improvements. The nature and duration of the guarantee shall be structured to achieve this goal without adding unnecessary costs to the developer.

A. Guarantees Required: Before the recording of final subdivision plats or as a condition of final site plan approval, the county board shall require the following guarantees:

1. The furnishing of a performance guarantee in the amount of one hundred twenty percent (120%) of the cost of installation at the improvements.

2. Provision for a maintenance guarantee for a period of eighteen (18) months after final acceptance of an improvement in the amount of fifteen percent (15%) of the cost of the improvement.

3. In the event that other governmental agencies will own the improvements to be installed and the improvements are covered by a performance or maintenance guarantee to these other entities, no performance or maintenance guarantee, as the case may be, shall be required by the county for such improvements.

B. Effect Of Guarantee: The maximum time allowed for installation of the improvements for which the performance guarantee has been provided shall be two (2) years from the date of approval of the final subdivision plat or final development project. This time period may be extended by the county board by resolution.

C. Notice Of Completed Improvements, Inspections, And Approval: Upon substantial completion of all required improvements, the developer shall notify the county's review engineer and highway engineer in writing, by certified mail. This notice shall include identifications, quantities, and installation costs of the subject improvements and a statement by the developer's engineer that the improvements have been completed in accordance with this chapter.

1. The county's review engineer and highway engineer shall inspect all improvements of which such notice has been given and advise the developer of any outstanding issues.

2. If there are no outstanding issues, the county's review engineer and highway engineer shall notify, in writing, the township road commissioner in whose township the subdivision roads lie that the roadway improvements meet the regulations of this chapter.

3. The county's review engineer and highway engineer shall request the township road commissioner inspect the road improvements and, if acceptable, send a letter to the county's review engineer and highway engineer stating that the improvements are acceptable and that the township will start to maintain the roads.

D. Alteration Of Guarantee: No performance or maintenance guarantee shall be reduced, terminated or otherwise altered without written authorization of the county. At time of final plat or development project approval, the obligor/surety shall submit a letter or other document verifying this requirement.

E. Mechanisms Of Providing Guarantees: Performance and maintenance guarantees shall be provided before the official plat recording by one or more of the following means. The form and details of the guarantees to be provided shall be as required by the county board and approved by the state's attorney.

1. Surety Bond: The applicant shall obtain a security bond from a surety bonding company authorized to do business in Illinois.

2. Letter Of Credit: The applicant shall provide an irrevocable letter of credit from a bank or other reputable institution.

3. Escrow Account: The applicant shall deposit cash, or other instruments readily convertible into cash at face value, either with the county or in escrow with a bank.

4. Subdivision Improvement Agreement: The applicant shall provide as a guarantee a subdivision improvement agreement between the applicant, lender, and county. (Ord. 10-001, 1-12-2010)

F. Maintenance Guarantee: A maintenance guarantee shall be provided by the developer upon the final completion of the public improvements of the subdivision. The maintenance guarantee shall be a minimum of two (2) years and shall guarantee against and secure against the correction of any damage to public improvements by reason of settling of the ground, base or foundation thereof. The maintenance guarantee shall also provide funds for repairs in the event that there are defects of the materials that were used for the construction of the improvements. The maintenance guarantee shall be provided in the same manner as the improvement guarantees established in subsection E of this section. (Ord. 2012-013, 4-10-2012)

8-6-5: PROJECT COMPLETION AND TURNOVER:

Upon completion of the required improvements for a subdivision or other land development project, the developer shall submit to the county the following indicated items. Submittal and acceptance of these items shall be required for the county to authorize termination of the improvement guarantees covering the subject subdivision or development.

A. Record Drawings: An electronic version and a set of reproducible mylar drawings of the originally approved engineering plans marked to indicate all significant changes in location, elevation, size, or material of the improvements shown thereon. The drawings shall be identified as "record drawing", and dated and shall, at a minimum, contain the following information:

1. Realignment or relocations of streets or other pavements, streetlights, storm drainage systems, flood control facilities, and sanitary and water utility systems, including all structures such as manholes, drainage inlets, valve vaults, and fire hydrants.

2. Actual rim and invert elevations of all sanitary manholes and drainage structures and measured lengths of sewers between such structures.

3. Dimensioned locations of sanitary service stubs and water service valves. Two (2) tie dimensions (at approximately right angles) to each stub and valve are required. Typically, one shall be from edge of street pavement and the other from a staked property corner or a visible structure such as a manhole or fire hydrant.

4. All original design data and information, as well as "as constructed" elevations, dimensions, etc.

5. As constructed topography and storage volumes of stormwater detention/retention facilities. For clarity, this information shall be provided on separate drawings to be submitted with the updated original plans. These drawings shall also indicate original design storage volumes and control elevations and contain a statement from the developer's engineer regarding conformance of the as constructed facilities to the originally approved plans.

B. Statements:

1. Written notification and information from the developer in accordance with subsection 8-6-4C, "Notice Of Completed Improvements, Inspections, And Approval", of this chapter.

2. A written statement from the developer's engineer indicating the specific improvements that have been completed and a professional opinion regarding their installation in conformance with the approved plans, specifications, and this chapter.

3. A written statement from the developer's surveyor that all property corners, lot corners, and other boundary points indicated on the subject survey or subdivision plat were inspected upon completion of the site improvements, that missing pipes or other required forms of monumentation were reset and that all of the required boundary point markers for the subject development were in place at the time of the statement. (Ord. 10-001, 1-12-2010)

8-6-6: COST SHARING OF OFF TRACT IMPROVEMENTS:

As a condition of final subdivision or development plan approval, the county board may require an applicant to pay a pro rata share of the cost of reasonable and necessary roadway improvements, water, sewerage, and drainage facilities, and other improvements, including land and easements, located off tract of the property limits of the subdivision or development, but necessitated or required by the development. Necessary improvements are those clearly and substantially related to the subject development. The county board shall provide in its resolution of approval the basis of the required improvements. The capacity and design of proposed improvements shall be based upon the circulation plan element and utility service plan element of the approved overall plan. (Ord. 10-001, 1-12-2010)

CHAPTER 7

SCHOOL SITE DEDICATION AND SCHOOL FACILITIES FEES

SECTION:

8-7-1: School Site Dedication Land Or Cash

8-7-1-1: Findings And Purpose

8-7-1-2: Criteria For Requiring School Site Dedication

8-7-1-3: Criteria For Requiring Contribution In Lieu Of School Site

8-7-1-4: Criteria For Requiring Land Dedication And Fee

8-7-1-5: Collection And Disposition Of Fee

8-7-1-6: Refund Of Fee

8-7-1-7: Fair Market Value

8-7-1-8: Conveyance Of Land

8-7-1-9: Density Formula

8-7-1-10: Site Condition

8-7-2: School Facilities Fees

8-7-2-1: General

8-7-2-2: Annual Adjustments

8-7-2-3: Time Of Payment Of School Facilities Fees

8-7-2-4: Other Taxes And Fees

8-7-2-5: Owner's Recorded Declaration

8-7-1: SCHOOL SITE DEDICATION LAND OR CASH:

8-7-1-1: FINDINGS AND PURPOSE:

In recent years, the county has experienced a steadily increasing population growth due primarily to the residential subdivision, planned unit development and/or special use permit of vacant land within the county. Planning studies indicate accelerated growth during the next ten (10) years resulting in the disappearance of available land and the marked increase in land value. The county is dedicated to the concept that healthful, productive community life depends in part on the availability of adequate school facilities. It has been found and determined that the location of school sites to serve the immediate and future needs of adults and children of each new subdivision, planned unit development and/or special use permit is just as essential to proper land development as are streets, water, sewers and sidewalks. To this end, the county has determined that the dedication of land for school sites or cash contributions in lieu of actual dedication (where the latter is deemed impractical) or a combination of both, shall prevail upon all new final plats of residential subdivisions, planned unit developments and/or special use permits. The impact upon schools is likewise equally affected by construction of new dwellings that are not part of a platted subdivision, and accordingly, cash contributions should be made with regard to such construction as well. Therefore, in the public interest, convenience, health, welfare and safety, the establishment of school sites and facilities are required for each final plat of a residential subdivision and/or special use permit. (Ord. 10-001, 1-12-2010)

8-7-1-2: CRITERIA FOR REQUIRING SCHOOL SITE DEDICATION:

The ultimate number of students to be generated by a subdivision, planned unit development and/or special use permit shall bear directly upon the amount of land required to be dedicated for school sites. The land dedication requirement shall be determined by obtaining the ratio of:

A. Estimated children to be served in each school classification (this number is determined by applying the estimated ultimate population per dwelling unit table [section 8-7-1-9, table 8-7-1-9A, of this chapter] to the number of respective units in the development) over the;

B. Actual average number of students to be served in each such school classification as stated herein, and then applying such ratio to the;

C. Said number of acres for a school site of each such classification as stated herein. The product thereof shall be the acres of land deemed needed to have sufficient land for school sites to serve the estimated increased children in each such school classification. For purposes of this computation, it is presumed that each single-family home will have three (3) bedrooms. For other dwelling units, such as townhouses and apartments, it is presumed that each unit will have two (2) bedrooms.

Example: Development A is composed of 100 single-family units:

<u>Estimated children by school classification</u>				
<u>Actual school population by school classification</u>	x	Actual acreage by school classification	=	Land donation

Classification By Grades	County Average Students Per School Classification	County Acreage Per School Classification
Elementary	850 students	20 acres
Middle	500 students	30 acres
High	1,000 students	80 acres

Elementary:		$100 \times 0.369 \times 20 = 0.8682$ acres
	850	
Middle:		$100 \times 0.173 \times 30 = 1.038$ acres
	500	
High school:		$100 \times 0.184 \times 80 = 1.472$ acres
	1,000	
Total acreage = 3.378		

(Ord. 10-001, 1-12-2010)

8-7-1-3: CRITERIA FOR REQUIRING CONTRIBUTION IN LIEU OF SCHOOL SITE:

Where available land is inappropriate for school sites, as determined by local school officials, the county shall require a cash contribution in lieu of land dedication by the subdivider or unit developer. The county shall furthermore require a cash contribution for all residential dwellings which are constructed not part of a platted subdivision. For all computations, one acre is the maximum home site. (Ord. 10-001, 1-12-2010)

8-7-1-4: CRITERIA FOR REQUIRING LAND DEDICATION AND FEE:

There will be situations in subdivisions or planned unit developments when a combination of land dedication and a contribution in lieu of land are both necessary. These occasions will arise when:

A. Only a portion of the land to be developed is proposed as the location for a school site. That portion of the land within the subdivision falling within the school location shall be dedicated as a site as stated earlier, and a cash contribution in lieu thereof shall be required for any additional land that would have been required to be dedicated.

B. A major part of the school site has already been acquired and only a small portion of land is needed from the development to complete the site. The remaining portions shall be required by dedication, and a cash contribution in lieu thereof shall be required. (Ord. 10-001, 1-12-2010)

8-7-1-5: COLLECTION AND DISPOSITION OF FEE:

A. Collection Of Fee:

1. The total cash contribution to be required shall be determined prior to the approval of the final plat and paid to the county designee prior to issuance of a building permit. Receipt of payment shall be proof of said payment.

2. In a platted subdivision, when a building permit for a lot is requested three (3) years or more from the date of final plat approval, determination of a new current cash contribution shall be required. The new current cash contribution shall be determined and shall be paid to the county designee prior to the issuance of a building permit.

3. The cash contribution required for a residential unit not part of a platted subdivision shall be determined in the same manner as for other residential developments and shall be determined and collected prior to the issuance of a building permit.

4. This subsection does not apply to reconstruction.

B. Disposition Of Fee: The cash contribution in lieu of school sites shall be held in trust by the county or other public body designated by the county. Said funds shall be used solely for the acquisition of land for a school site to serve the immediate or future needs of children from that subdivision or development, or for the improvement to any existing school site or buildings which already serve or will serve such need. (Ord. 10-001, 1-12-2010)

8-7-1-6: REFUND OF FEE:

If any portion of a cash contribution in lieu of school sites is not expended for the purposes set forth herein within ten (10) years from the date of receipt, it shall be refunded with accrued interest to the lot owner or owners of those lots for which the contribution was made, which owner or owners are determined at the time the date of refund is established. (Ord. 10-001, 1-12-2010)

8-7-1-7: FAIR MARKET VALUE:

The cash contributions in lieu of land shall be based on the fair market value of the acres of land in the area improved that otherwise would have been dedicated as school sites. An "improved acre" in a planned unit development is defined as a tract of land improved with streets, curbs, water, storm sewer, sanitary sewer, electrical, natural gas and telephone service. Fair market value for land not part of a planned unit development shall be calculated on the market value of an unimproved acre. Because of the diversity of lands within the county, a single determination of fair market value or market value of an unimproved acre is not possible. The fair market value or market value of an unimproved acre for any particular parcel shall be determined by the supervisor of assessment office of the county prior to plat approval. This valuation determined by the supervisor of assessments shall be used unless any subdivider, developer, or public body files a written objection thereto. In the event of any such objection, the subdivider, developer, or public body shall submit an appraisal showing the fair market value of such improved land or market value of an unimproved acre in the area of development or other evidence. Final determination of said fair market value per acre of such improved land or market value of an unimproved acre shall be made by the county board based on such information submitted by the subdivider or developer and from other sources as may be submitted to the county board by affected parties. The value of an unimproved acre shall be estimated with those improvements necessary to make the land habitable. Dual districts will be treated as they are affected by the impact of the subdivision or development within their territories. Elementary and middle school contributions shall go to the elementary district, and high school contributions shall go to the high school district. Two-thirds ($\frac{2}{3}$) of the special contribution shall go to the elementary district, and one-third ($\frac{1}{3}$) shall go to the high school district. (Ord. 10-001, 1-12-2010)

8-7-1-8: CONVEYANCE OF LAND:

The subdivider or developer shall convey to the respective school district the lands required under this section 8-7-1 within ninety (90) days after request by the district. (Ord. 10-001, 1-12-2010)

8-7-1-9: DENSITY FORMULA:

A. Table 8-7-1-9A, "Estimated Ultimate Population Per Dwelling Unit", of this section is generally indicative of current and short range projected trends in family size for new construction and shall be used in calculating the amount of required dedication of acres of land or the cash contributions in lieu thereof, unless a written objection thereto is filed by the subdivider or developer.

B. In the event a subdivider or developer files a written objection to the table of estimated ultimate population per dwelling unit, as referenced in subsection A of this section, said subdivider or developer shall submit his own demographic study showing the estimated additional population to be generated from the subdivision or planned unit development, and in that event, final determination of the density formula to be used in such calculations shall be made by the county board, based upon such demographic information submitted by the subdivider or developer and from other sources which may be submitted to the county board by the school district or others. It is recognized that population density, age distribution and local conditions change over the years, and the specific formula components for the dedication of land, or the payment of fees in lieu thereof, as stated herein, are subject to periodic review and amendment upon verification of current data by the county board or its designee.

TABLE 8-7-1-9A

ESTIMATED ULTIMATE POPULATION PER DWELLING UNIT

Type Of Unit	Preschool 0-4 Years	Elementary Grades K-5 5-10 Years	Junior High Grades 6-8 11-13 Years	Total Grades K-8 5-13 Years	High School Grades 9-12 14-17 Years	Adults 18 Years+	Total Per Dwelling Unit
Detached single-family:							
2 bedroom	0.113	0.136	0.048	0.184	0.02	1.7	2.017
3 bedroom	0.292	0.369	0.173	0.542	0.184	1.881	2.899
4 bedroom	0.418	0.53	0.298	0.828	0.36	2.158	3.764
5 bedroom	0.283	0.345	0.248	0.593	0.3	2.594	3.77
Attached single-family:							
1 bedroom	0	0	0	0	0	1.193	1.193
2 bedroom	0.064	0.088	0.048	0.136	0.038	1.752	1.99
3 bedroom	0.212	0.234	0.058	0.292	0.059	1.829	2.392
4 bedroom	0.323	0.322	0.154	0.476	0.173	2.173	3.145
Apartments:							
Efficiency	0	0	0	0	0	1.294	1.294
1 bedroom	0	0.002	0.001	0.003	0.001	1.754	1.758
2 bedroom	0.047	0.086	0.042	0.128	0.046	1.693	1.914
3 bedroom	0.052	0.234	0.123	0.357	0.118	2.526	3.053

Note: There are only 3 significant categories provided in this table. Because of the similarity of yields of all types of attached single-family dwelling units, only 1 category is provided. The same is true with apartments; thus, only 1 category. Because of the relatively short history of some newer types of detached and attached single-family units, individual evaluations may be necessary.

(Ord. 10-001, 1-12-2010)

8-7-1-10: SITE CONDITION:

A. Condition of Site: The slope, topography and geology of the dedicated site as well as its surroundings must be suitable for its intended purposes. Grading and seeding on sites to be dedicated for school uses shall be performed according to plans and specifications provided by the school district.

B. Improved Sites: All sites shall be dedicated in a condition ready for full service of electrical, water, sewer and streets (including enclosed drainage and curb and gutter) as applicable to the location of the site, or acceptable provision made therefor. Such improvements shall conform to plans provided by the school district. (Ord. 10-001, 1-12-2010)

8-7-2: SCHOOL FACILITIES FEES:

The county of Grundy requires that school facilities fees shall be applied to all new final plats of residential subdivisions, planned unit developments and/or special use permits. (Ord. 10-001, 1-12-2010)

8-7-2-1: GENERAL:

A final plat of subdivision, PUD, or special use permit by the county shall require the timely payment in full of the school facilities fees as set forth below: In tables 8-7-2-1A, "Unit School District (K - 12)"; 8-7-2-1B: "Elementary School District (K - 8)"; and 8-7-2-1C, "High School District (9 - 12)", of this section.

For purposes of this section 8-7-2, the school facilities fees shall only be utilized for new school buildings, building additions and improvements, school site improvements and related infrastructure (hereinafter "school facilities"). The school facilities fee is in addition to the land cash ordinance currently in effect.

A. Unit School Districts: The school facilities fee shall be paid by the owner in accordance with table 8-7-2-1A of this section, for a unit school district consisting of kindergarten through twelfth grade:

TABLE 8-7-2-1A

UNIT SCHOOL DISTRICT (K – 12)

Number Of Bedrooms	2008	2009	2010	2011	2012	2013	2014
Number Of Bedrooms	2008	2009	2010	2011	2012	2013	2014
Detached single-family dwelling units:							
4+ bedroom	\$5,220.00	\$5,428.80	\$5,645.95	\$5,871.79	\$6,106.66	\$6,350.93	\$6,604.97
3 bedroom	4,233.00	4,402.32	4,578.41	4,761.55	4,952.01	5,150.09	5,356.10
2 bedroom	796.00	827.84	860.95	895.39	931.21	968.46	1,007.19
Attached single-family dwelling units:							
4+ bedroom	2,890.00	3,005.60	3,125.82	3,250.86	3,380.89	3,516.13	3,656.77
3 bedroom	1,575.00	1,638.00	1,703.52	1,771.66	1,842.53	1,916.23	1,992.88
2 bedroom	943.00	980.72	1,019.95	1,060.75	1,103.18	1,147.30	1,193.20
Apartments:							
3+ bedroom	2,160.00	2,246.40	2,336.26	2,429.71	2,526.89	2,627.97	2,733.09
2 bedroom	761.00	791.44	823.10	856.02	890.26	925.87	962.91
1 bedroom	18.00	18.72	19.47	20.25	21.06	21.90	22.78

B. Elementary School Districts: The school facilities fee shall be paid by the owner in accordance with table 8-7-2-1B, "Elementary School District (K – 8)", of this section, for an elementary school district consisting of kindergarten through eighth grade:

TABLE 8-7-2-1B

ELEMENTARY SCHOOL DISTRICT (K – 8)

Number Of Bedrooms	2008	2009	2010	2011	2012	2013	2014
Number Of Bedrooms	2008	2009	2010	2011	2012	2013	2014
Detached single-family dwelling units:							
4+ bedroom	\$3,910.00	\$4,066.40	\$4,229.06	\$4,398.22	\$4,574.15	\$4,757.11	\$4,947.40
3 bedroom	2,917.00	3,033.68	3,155.03	3,281.23	3,412.48	3,548.98	3,690.94
2 bedroom	679.00	706.16	734.41	763.78	794.33	826.11	859.15
Attached single-family dwelling units:							
4+ bedroom	1,918.00	1,994.72	2,074.51	2,157.49	2,243.79	2,333.54	2,426.88
3 bedroom	1,204.00	1,252.16	1,302.25	1,354.34	1,408.51	1,464.85	1,523.44
2 bedroom	727.00	756.08	786.32	817.78	850.49	884.51	919.89
Apartments:							
3+ bedroom	1,481.00	1,540.24	1,601.85	1,665.92	1,732.56	1,801.86	1,873.94
2 bedroom	515.00	535.60	557.02	579.30	602.48	626.58	651.64
1 bedroom	12.00	12.48	12.98	13.50	14.04	14.60	15.18

C. High School District: The school facilities fee shall be paid by the owner in accordance with table 8-7-2-1C, "High School District (9 – 12)", of this section, for a high school district consisting of ninth grade through twelfth grade:

TABLE 8-7-2-1C

HIGH SCHOOL DISTRICT (9 – 12)

Number Of Bedrooms	2008	2009	2010	2011	2012	2013	2014
Number Of Bedrooms	2008	2009	2010	2011	2012	2013	2014
Detached single-family dwelling units:							
4+ bedroom	\$1,310.00	\$1,362.40	\$1,416.90	\$1,473.57	\$1,532.51	\$1,593.82	\$1,657.57
3 bedroom	1,316.00	1,368.64	1,423.39	1,480.32	1,539.53	1,601.12	1,665.16
2 bedroom	117.00	121.68	126.55	131.61	136.87	142.35	148.04
Attached single-family dwelling units:							
4+ bedroom	972.00	1,010.88	1,051.32	1,093.37	1,137.10	1,182.59	1,229.89
3 bedroom	371.00	385.84	401.27	417.32	434.02	451.38	469.43
2 bedroom	216.00	224.64	233.63	242.97	252.69	262.80	273.31
Apartments:							
3+ bedroom	679.00	706.16	734.41	763.78	794.33	826.11	859.15

2 bedroom	246.00	255.84	266.07	276.72	287.79	299.30	311.27
1 bedroom	6.00	6.24	6.49	6.75	7.02	7.30	7.59

(Ord. 10-001, 1-12-2010)

8-7-2-2: ANNUAL ADJUSTMENTS:

Beginning January 1, 2009, the amount of the school facilities fee shall be annually increased by four percent (4%) per year. (Ord. 10-001, 1-12-2010)

8-7-2-3: TIME OF PAYMENT OF SCHOOL FACILITIES FEES:

School facilities fees shall be paid in full for a particular dwelling unit prior to the application for a permit to construct said dwelling unit. Payment shall be made directly to the school district or districts in which the dwelling unit is located. Evidence of payment shall be issued by the school district or districts and shall be submitted to the Grundy County land use department at the time of building permit application. The failure to provide sufficient evidence of the required payments shall constitute sufficient grounds for the denial of the application for a building permit, or for the suspension or revocation of a building permit. In addition, the Grundy County land use department may refuse to issue a certificate of occupancy, or may suspend or revoke the same, if sufficient evidence of payment of applicable school facilities fees is not presented. (Ord. 10-001, 1-12-2010)

8-7-2-4: OTHER TAXES AND FEES:

The payment of school facilities fees shall be in addition to any other tax, fee, charge, assessment or requirement levied or imposed in the county. (Ord. 10-001, 1-12-2010)

8-7-2-5: OWNER'S RECORDED DECLARATION:

The owner shall provide, prior to a case being considered by the Grundy County board, a recorded copy of the declaration of covenants for the applicable homeowners' association for the subject property, which contains substantially the following language:

The record owner of each lot, shall at the time of application for building permit, pay a School Facilities Fee in accordance with the attached Exhibit "____". This is a private obligation running with the land at law. If said owner does not pay said fee at the time of application for building permit, the same shall constitute a lien on said lot. This covenant and foreclosure of said lien is restriction placed upon this property by the Declarant (Developer) and shall be enforceable by the developer or by the affected school district. Said lot owner shall be responsible for all reasonable attorney's fees and costs incurred in enforcing this covenant. This covenant may not be rescinded or amended without consent of the affected school district(s).

Owner shall present to the county, prior to the time of action on said final plat of subdivision, PUD and/or special use permit, at its cost, a commitment for title insurance issued or later dated not more than five (5) days before action by the county board, showing said covenant has been recorded and is a valid declaration of said requirement on said property, together with the affidavit that said covenant has not been amended, rescinded or revoked. (Ord. 10-001, 1-12-2010)

CHAPTER 8

OFF STREET PARKING AND LOADING; ACCESS MANAGEMENT; EXTERIOR LIGHTING

SECTION:

8-8-1: Off Street Parking

8-8-1-1: Scope

8-8-1-2: Permitted Parking And Loading Facilities

8-8-1-3: Damage To Or Destruction Of Building Or Use

8-8-1-4: Submission Of Plot Plan And Plat Of Survey

8-8-1-5: Additional Regulations For Parking Facilities

8-8-1-6: Standard Parking And Handicapped Space Standards

8-8-1-7: Number Of Off Street Parking Spaces

8-8-1-8: Additional Regulations For Loading Facilities; Number Of Spaces

8-8-1-9: Bicycle Parking

8-8-2: Access Management And Circulation

8-8-2-1: Common Access And Internal Cross Access

8-8-2-2: Number Of Access Points

8-8-3: Exterior Lighting Standards

8-8-3-1: Nonresidential Lighting Standards

8-8-3-2: Exterior Lighting For Outdoor Recreation

8-8-3-3: Public Safety And Public Nuisance

8-8-1: OFF STREET PARKING:

8-8-1-1: SCOPE:

The off street parking and off street loading provisions of this UDO shall apply as follows:

A. Accessory off street parking and off street loading facilities shall be provided as required by the regulations of this chapter for all buildings and structures erected and all uses of land established in each district after the effective date hereof.

B. When the intensity of use of any building, structure, or premises shall be increased through the addition of dwelling units, gross floor area, seating capacity, or other units of measurement for required parking and loading facilities in the amount specified herein, additional parking and loading facilities as required herein shall be provided for such increase in intensity of use.

C. Whenever the existing use of a building or structure shall hereafter be changed to a new use, parking and loading facilities shall be provided as required for such new use. However, if the said building or structure was erected prior to the effective date hereof, additional parking or loading facilities are mandatory only in the amount by which the requirements for the new use would exceed those for the existing use, if the latter were subject to the parking and loading provisions of this UDO. (Ord. 10-001, 1-12-2010)

8-8-1-2: PERMITTED PARKING AND LOADING FACILITIES:

Nothing in this title shall be deemed to prevent the voluntary establishment of off street parking or loading facilities to serve any existing use of land or buildings; provided, that all regulations herein governing the location, design and operation of such facilities are adhered to. (Ord. 10-001, 1-12-2010)

8-8-1-3: DAMAGE TO OR DESTRUCTION OF BUILDING OR USE:

When any conforming or nonconforming building, structure, or use which is in existence on the effective date hereof, which is restored and continued in operation after being damaged or destroyed by fire, collapse, explosion, or other cause, to the extent that the cost of restoration does not exceed sixty percent (60%) of equalized assessed valuation, there may be provided only the off street parking or loading facilities equivalent to any maintained at the time of such damage or destruction. However, in no case shall it be necessary to restore or maintain parking or loading facilities in excess of those required by this title for equivalent new uses or construction. (Ord. 10-001, 1-12-2010)

8-8-1-4: SUBMISSION OF PLOT PLAN AND PLAT OF SURVEY:

A. Any application for a building permit, or for a zoning certificate where no building permit is required, shall include a plot plan and an up to date survey, drawn to scale and fully dimensioned, showing off street parking and loading facilities to be provided in compliance with this title. The plan shall show:

1. The use of the building, structure, or parcel of land;
2. The number of dwelling units, gross floor area, design capacity, estimated number of employees, or other units of measurement specified herein for determining the number of off street parking spaces or loading berths required by this title; and
3. The arrangement, character, extent, width, grade, and location of all parking facilities shall be considered in relation to existing and planned streets; to reasonable circulation for traffic within and adjacent to parking areas; to topographical conditions and to runoff of stormwater; and to public convenience and safety.

B. No building permit or zoning certificate shall be issued until the plot plan showing all required off street parking and loading facilities is approved by the Land Use Department. (Ord. 10-001, 1-12-2010)

8-8-1-5: ADDITIONAL REGULATIONS FOR PARKING FACILITIES:

Off street parking facilities for motor vehicles shall be provided in accordance with the following additional regulations:

A. Existing Parking Facilities: Accessory off street parking facilities in existence on the effective date hereof and located on the same lot as the building or use served shall not hereafter be reduced below, or, if already less than, shall not be further reduced below the requirements for a similar new building or use under the provisions of this title.

B. Use Of Parking Facilities: Access of off street parking facilities required as accessory to uses listed herein shall be solely for the parking of vehicles of patrons, occupants, or employees. When bus transportation is provided for patrons, occupants, or employees of a specific establishment, additional open or enclosed off street parking spaces for each bus to be parked on the premises shall be provided in accordance with regulations set forth in this chapter.

C. Off Site Parking Facilities: In cases where the parking facilities are permitted on a lot other than the lot on which the structure or use served is located, the owner of record of such lot shall be the same as the owner of record of the lot occupied by the structure or use in which the parking facilities are accessory. A covenant running with the land must be recorded in the Office of the County Recorder of Deeds on the lot upon which the accessory off street parking is located which prohibits any other use on that lot, and a copy of the recorded covenant certified by the County Recorder of Deeds must be deposited with the Land Use Department. The covenant shall not be released until such time as either one of the following conditions occur:

1. The structure on the lot containing the principal use is removed and the principal use terminated.
 2. Another lot of the required size within the required distance is properly developed and used for the required accessory off street parking in place of and in lieu of the initial lot used for accessory off street parking with the same requirements, covenants and conditions attaching to such substitute accessory use lot as approved by the same authority as required for approval of such initial lot.
- D. Employee Parking: Parking spaces required on an employee basis shall be based on the maximum number of employees on duty or residing on the premises, or both, at any one time.

E. Handicapped Parking: All uses except single-family detached or attached dwellings shall be required to provide off street parking spaces for handicapped persons in accordance with the standards established by section 8-8-1-6, "Standard Parking And Handicapped Space Standards", of this chapter.

F. Location:

1. In Yards: Off street parking spaces, open to the sky, may be located in required interior side yards and rear yards, not less than five feet (5') from the nearest lot line, except a parking area containing four (4) or more parking spaces shall be not less than twenty feet (20') from a residential lot line. In the business district, the required off street parking spaces may be located in a front yard or side yard adjoining a street, not less than five feet (5') from a street line.

2. Reserved Land Area For Parking:

- a. All business, office, or manufacturing complexes containing more than thirty thousand (30,000) square feet of gross floor area, where the petitioner feels he does not need the number of parking spaces required by this title, may request a variation and, if granted, shall reserve adequate land area consistent with the requirements of this title to provide for the required off street parking in case of change of ownership or operations.

- b. After the effective date hereof, required accessory off street parking spaces shall be located on the same lot as the building or use served, except when the Zoning Board of Appeals or the Land Use Committee recommends and the County Board authorizes for a specific use, the location of all or part of the required off street parking spaces on a lot that does not contain the principal use or structure. However, there shall be compliance with the regulations set forth in subsection C of this section. (Ord. 2018-012, 6-12-2018)

G. Reduction Of Parking Or Loading Requirements By Demonstration Of Lesser Demand:

1. **Special Parking Study:** It is understood that uses may have very different hours of operation and peak parking demand hours. The County desires to encourage the sharing of parking and reduced impervious surfaces. Thus, where a reduced need for parking exists, the County may reduce the required number of spaces. There may be a reduction in the number of required parking or loading spaces if the applicant demonstrates that such a reduction is appropriate based on specific parking demand forecasts for the proposed use(s), provided that:

- a. Such forecasts are made by a qualified traffic engineer and are based upon a peak parking analysis of at least five (5) comparable uses; and
- b. The comparability of the uses shall be documented in detail, which includes their location, size, transportation system access, use restrictions, and all other factors that were considered by the traffic engineer that could affect parking demand.

2. **Retention Of Engineer:** The County may retain a qualified traffic engineer at the applicant's expense to review the parking demand forecast and provide recommendations to the County.

3. **Parking Study Reliance:** The County may rely on the applicant's special study or the special study conducted by the County's consultant.

4. **Reservation Of Space For Additional Parking:** The County may require that space be reserved or land banked for additional parking upon a determination that there is a reasonable likelihood that the nature of the use could change in a manner that increases its parking demand.

H. Design And Maintenance:

1. **Access:** Each required off street parking space shall open directly upon an aisle or driveway of width and design in accordance with standards set forth in section 8-8-1-6, "Standard Parking And Handicapped Space Standards", of this chapter. All off street parking facilities shall be provided with appropriate means of vehicular access to a street or alley with location and design of intersection of parking area access driveway and the street or alley in accordance with regulations set forth in section 8-8-1-6, "Standard Parking And Handicapped Space Standards", of this chapter.

2. **Computation Of Number Of Spaces:** When determination of the number of off street parking spaces required by this title results in a requirement of a fractional space, any fraction of one-half ($\frac{1}{2}$) or less may be disregarded, while a fraction in excess of one-half ($\frac{1}{2}$) shall be counted as one parking space.

3. **Size:** A required off street parking space shall have a width and length, exclusive of access drives or aisles, ramps, columns, or office and work areas, in accordance with standards set forth in section 8-8-1-6, "Standard Parking And Handicapped Space Standards", of this chapter. Enclosed parking spaces shall have a vertical clearance of at least seven feet (7').

4. **Surfacing:** All open off street parking areas containing more than four (4) parking spaces shall be improved with a hard surface and a dustproof wearing surface as approved by the Land Use Department. Also see subsection 8-6-3-5D of this title.

5. **Screening And Landscaping:** All open off street parking areas containing more than four (4) parking spaces, located less than forty feet (40') from the nearest property line of a lot in a residential district, shall be effectively screened on each side adjoining or fronting on such property line by a wall, fence, or densely planted compact hedge not less than five feet (5') and not more than eight feet (8') in height. Also see subsection 8-6-3-5C5 of this title.

6. **Repair And Service:** No motor vehicle repair work or service of any kind shall be permitted in off street parking areas. No gasoline or motor oil shall be sold in conjunction with any accessory parking facilities. (Ord. 10-001, 1-12-2010)

8-8-1-6: STANDARD PARKING AND HANDICAPPED SPACE STANDARDS:

A. **Standard Parking Space Dimensions:** Parking spaces shall have the following dimensions: Nine feet by eighteen feet (9' x 18').

B. **Number Of Required Disabled Parking Spaces:** Disabled parking shall be provided as set out in table 8-8-1-6A, "Disabled Parking Requirements", of this section. Disabled parking is included in the total number of required parking spaces.

TABLE 8-8-1-6A

DISABLED PARKING REQUIREMENTS

Number Of Required Parking Spaces	Number Of Disabled Spaces	Number Of Disabled Spaces That Must Be Van Accessible
1 to 25	1	1
26 to 50	2	1
51 to 75	3	1
76 to 100	4	1
101 to 150	5	1
151 to 200	6	1
201 to 300	7	1
301 to 400	8	1
401 to 500	9	2
501 to 1,000	2 percent of total	1 out of 8 disabled parking spaces, rounded up
1,001 and over	20 plus 1 for each 100 over 1,000	1 out of 8 disabled parking spaces, rounded up

C. Disabled Parking Space Dimensions, Design, And Location:

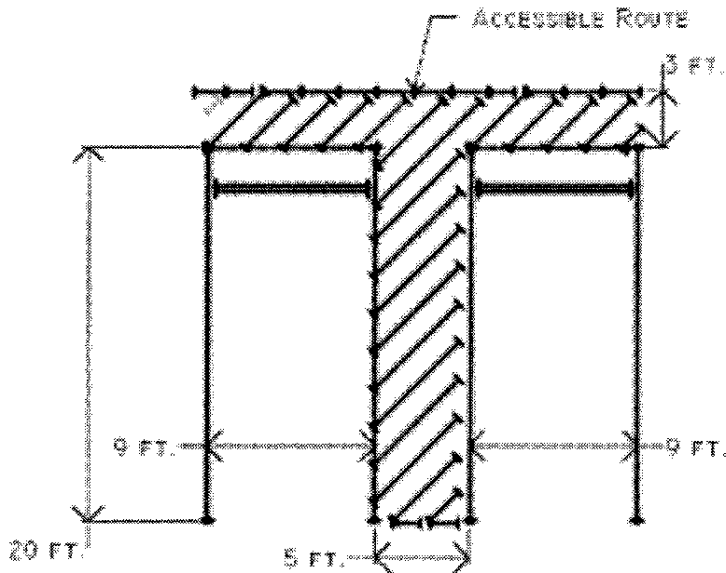
1. Disabled parking spaces shall be nine feet by twenty feet (9' x 20'), with an access aisle on one side (may be shared with another disabled space), as shown in figure 8-8-1-6B, "Disabled Parking", of this section, with the following dimensions:

- a. Car space: Five feet by twenty feet (5' x 20').
 - b. Van space: Nine feet by twenty feet (9' x 20').
2. The access aisle adjacent to disabled spaces shall be:
- a. Clearly marked (the end of the aisle that is adjacent to the driving aisle may be a squared or curved shape);
 - b. Level (1:50 maximum slope in all directions, no intrusion by ramps);
 - c. The same length as the adjacent parking space(s) it serves; and
 - d. Connected to an accessible route to the building served by the space.
3. An accessible route shall be provided from disabled spaces to the building, which:
- a. Shall always be provided from the accessible parking to the accessible entrance;
 - b. Shall not be obstructed by curbs or stairs;
 - c. Shall be at least three feet (3') wide (if the accessible route is located in front of a parking space, as shown in figure 8-8-1-6B, "Disabled Parking", of this section, wheel stops shall be installed to keep vehicles from reducing the effective width of the accessible route to less than 3 feet);
 - d. Shall have a firm, stable, slip resistant surface; and
 - e. Shall have a slope of not greater than one to twelve (1:12) in the direction of travel.
4. A vertical clearance of not less than eight feet two inches (8'2") shall be provided and maintained above van accessible disabled parking spaces and the vehicular routes that access them.
5. Disabled spaces shall be posted with a sign that includes the international symbol of accessibility, mounted high enough so it can be seen while a vehicle is parked in the space. Signs posted for van accessible spaces shall also include the words "Van Accessible".
6. Accessible parking spaces shall be located on the shortest accessible route of travel to an accessible facility entrance (where buildings have multiple accessible entrances with adjacent parking, the accessible parking spaces must be dispersed and located closest to the accessible entrances), except that:
- a. Accessible parking spaces may be clustered in one or more lots if equivalent or greater accessibility is provided in terms of distance from the accessible entrance, parking fees, and convenience; and
 - b. Van accessible spaces located in parking structures may be clustered on one floor if necessary to accommodate the eight foot two inch (8'2") minimum vertical clearance requirement.

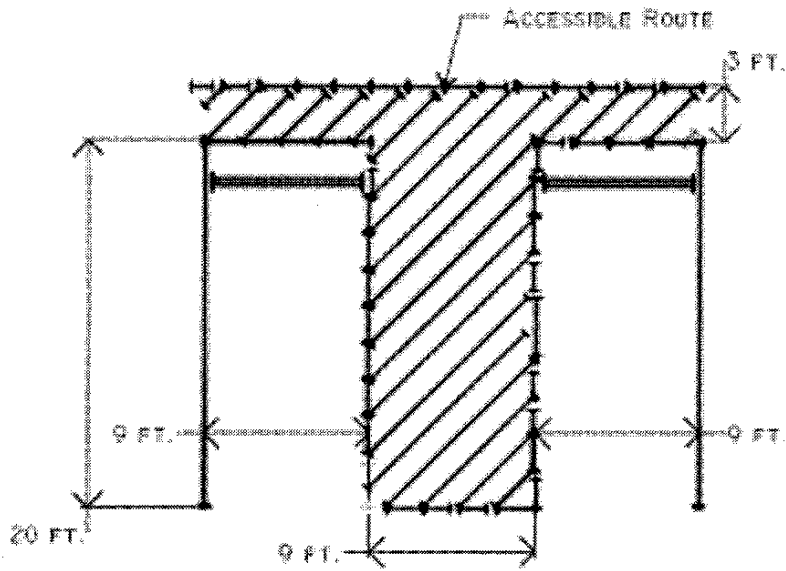
FIGURE 8-8-1-6B

DISABLED PARKING

Car spaces



Van spaces



D. Alternative Disabled Space Dimensions: In the alternative to providing car and van accessible spaces, the applicant may provide all required disabled spaces with the following dimensions:

1. Width: Eleven feet (11').
2. Depth: Twenty feet (20').
3. Accessible route width: Five feet (5').

E. Parking Module Dimensions: Parking modules shall be dimensioned as shown in table 8-8-1-6C, "Minimum Horizontal Parking Dimensions For Standard Automobiles", of this section. The dimensions that are set out in the table are illustrated in figure 8-8-1-6D, "Parking Module Standards", of this section.

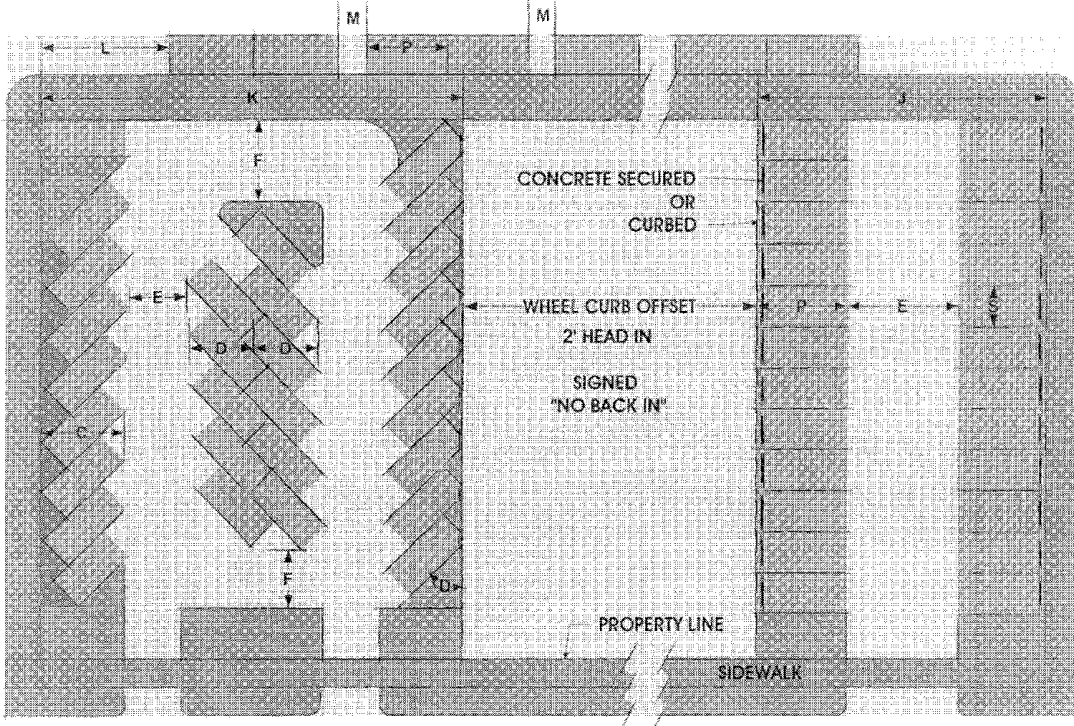
TABLE 8-8-1-6C

MINIMUM HORIZONTAL PARKING DIMENSIONS FOR STANDARD AUTOMOBILES

Parking	Size	Angle	S	P	C	D	E	F	J	K	L	M
Parallel	Compact	0°	8'	19'	8'	8'	12'	15'	28'	–	25'	5'
Parallel	Standard	0°	9'	22'	9'	9'	12'	15'	30'	–	25'	5'
Angle	Compact	30°	8.5'	15'	15'	11'	15'	15'	–	82'	–	–
Angle	Standard	30°	9'	17'	17'	13'	15'	15'	–	90'	–	–
Angle	Compact	45°	8.5'	17'	17'	13'	18'	15'	–	96'	–	–
Angle	Standard	45°	9'	19'	19'	16'	18'	15'	–	106'	–	–
Angle	Compact	60°	8.5'	17'	17'	15'	21'	15'	–	106'	–	–
Angle	Standard	60°	9'	20'	20'	18'	21'	15'	–	118'	–	–
Perpendicular	Compact	90°	8.5'	15'	15'	15'	24'	24'	54'	–	–	–
Perpendicular	Standard	90°	9'	18'	18'	18'	24'	24'	60'	–	–	–

FIGURE 8-8-1-6D

PARKING MODULE STANDARDS



NOTE: DRAWING IS NOT TO SCALE

(Ord. 10-001, 1-12-2010)

8-8-1-7: NUMBER OF OFF STREET PARKING SPACES:

There shall be provided for each building, structure and use hereafter erected, structurally altered or enlarged, the minimum number of accessory off street parking spaces in accordance with the following:

PARKING SPACE REQUIREMENTS

Type Of Use	Parking Space Required
Business, commercial and industrial uses:	
Automobile laundries	1 space for each employee, and in addition, reservoir standing spaces to accommodate automobiles awaiting entrance to the automobile laundry equal in number to 5 times the maximum capacity of the automobile laundry. "Maximum capacity" shall mean the greatest possible number of automobiles undergoing some phase of laundering at the same time
Automobile service stations	1 space for each island of gasoline pumps, plus 2 for each service stall
Banks and other financial institutions	4 spaces for each 1,000 square feet of gross floor area, plus 5 reservoir spaces for each drive-up window
Furniture and appliance stores, motor vehicle sales establishment, and establishments for repair of household equipment or furniture	1 space for each 400 square feet of floor area
Manufacturing, fabricating, processing, storing, cleaning, testing, assembling, repairing or servicing establishments as permitted in the manufacturing district	1 space for each 1.5 employees as related to the working period when the maximum number of persons is employed on the premises, or 1 space for each 800 square feet of floor area, whichever is greater
Medical and dental clinics	2 spaces for each office, examining room and treatment room, plus 1 space for each 50 square feet of floor area contained in the reception room or waiting lobby
Offices; business, professional and public administration or service office buildings	1 space for each 250 square feet of floor area
Public utility and public service uses	1 space for each 2 employees
Restaurants, not including drive-in establishments	1 space for each 100 square feet of floor area

Shopping center uses under unified control or ownership	5 spaces per 1,000 square feet of gross leasable area
Undertaking establishments and funeral parlors	1 space for each 100 square feet of floor area, plus 1 space for each of the funeral parlor's official vehicles
Warehouse, storage, wholesale and mail order establishments	4 spaces, plus 1 space for each 1,500 square feet of floor space over 4,500 square feet or, when the number of employees is specifically indicated, 1 space for each 1.5 employees employed on the premises
All other businesses	1 space for each 200 square feet of floor area
Dwelling and lodging uses:	
Hotels and motels	1 space for each room or suite of rooms comprising a lodging unit, 1 space for each 2 employees, and 1 space for each 100 square feet of retail sales and dining area
Lodging houses and apartment hotels	1 space for each lodging room, 1 space for each dwelling unit, and 1 space for each 2 employees
Multiple-family dwellings	1 ¹ / ₂ spaces for each dwelling unit ¹
Single-family detached dwellings	2 spaces for each dwelling unit ¹
Single-family semidetached or attached dwellings	2 spaces for each dwelling unit ¹
Two-family detached dwellings	2 spaces for each dwelling unit ¹
Recreational uses; commercial or noncommercial:	
Bowling alleys	7 spaces for each lane, plus such additional spaces as may be required herein for affiliated uses such as restaurants and the like
Parks, recreation center, and community centers; public or private	1 space for each 4 persons, based upon the maximum number of persons that can be accommodated at the same time in accordance with such design capacity, and 1 space for each 2 employees
Theaters	1 space for each 2 seats
Theaters (automobile drive-in)	Reservoir standing spaces equal in number to 10 percent of the vehicle capacity of such theaters
Schools, institutions and auditoriums or other places of assembly:	
Auditoriums, meeting halls, exhibition halls and auditoriums as accessory to churches, schools, and other establishments	1 space for each 5 seats or for each 90 linear inches of seating space
Churches, chapels, temples and synagogues	1 space for each 5 seats or for each 90 linear inches of seating space
Colleges, junior colleges, and universities	1 space for each 4 students, based upon the maximum number of students that can be accommodated in accordance with design capacity, plus 2 spaces for each 3 employees
Hospitals	1 space per bed, plus 1 space for each staff doctor, and 1 space for each 2 employees
Libraries, museums, and art galleries	3 spaces for each 1,000 square feet of gross floor area
Nursing homes and similar types of establishments	1 space for each 2 beds, plus 1 space for each 2 employees
Private clubs and lodges	5 spaces for each 1,000 square feet of gross floor area
Schools:	
Commercial or trade, music, dance, or business	1 space for each employee, plus 1 space for each 3 students, based on the maximum number of students that can be accommodated in accordance with design capacity

High; public or private	1 space for each 6 students, based on the maximum number of students that can be accommodated in accordance with design capacity, plus 1 space for each faculty member and each other full time employee
Nursery, elementary, or junior high; public or private	1 space for each faculty member and each other full time employee
Other uses	Parking spaces for other permitted uses or special uses not listed in this section shall be provided in accordance with requirements designated by the Zoning Board of Appeals

Note:

1. Parking spaces located in a garage or carport are counted in determining compliance with this provision.

(Ord. 2018-012, 6-12-2018)

8-8-1-8: ADDITIONAL REGULATIONS FOR LOADING FACILITIES; NUMBER OF SPACES:

There shall be provided off street loading spaces of not less than the minimum requirements specified in this section in connection with any building, structure or use which is to be erected or substantially altered, and which requires the receipt or distribution of materials or merchandise by trucks or similar vehicles in accordance with the following:

A. Location: Accessory off street loading spaces shall be located on the same lot as the principal use. No loading space shall be located within forty feet (40') of the nearest point of intersection of any two (2) streets. No loading space shall be located in a required front or side yard, and any loading space located in a required rear yard shall be open to the sky.

B. Screening: Open off street loading spaces which abut a residential district boundary line shall be completely screened therefrom by a fence, wall, door, or any combination thereof, not less than six feet (6') nor more than eight feet (8') in height, or a densely planted tree or shrub hedge maintained to not less than six feet (6') in height.

C. Size: Unless otherwise specified in this title, a required off street loading space shall be at least fourteen feet (14') in width and at least fifty five feet (55') in length, exclusive of access drives, aisles, ramps, and maneuvering space, and shall have a vertical clearance of not less than fifteen feet (15').

D. Access: Each required off street loading space shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movements. Access drives and intersection of driveways with streets shall be in accordance with regulations set forth in the Grundy County highway access regulation ordinance.

E. Surfacing: All open off street loading spaces, access drives, aisles, and maneuvering space shall be improved with a hard surface and a permanent wearing surface as approved by the Land Use Department.

F. Use Restrictions: No storage of any kind nor motor vehicle repair work or service of any kind shall be permitted within any required loading space.

G. Utilization: Space allocated to any off street loading spaces shall not, while so allocated, be used to satisfy the space requirements for any off street parking facilities or portions thereof.

H. Number Of Spaces: The minimum number of off street loading spaces accessory to buildings, structures, and uses hereafter erected, structurally altered, or enlarged, in all business and manufacturing districts, shall be in accordance with the following schedule:

TABLE 8-8-1-8

REQUIRED PARKING BY GROSS FLOOR AREA

Gross Floor Area Of Establishment	Required Number
5,000 to 10,000 square feet	1
10,001 to 40,000 square feet	2
40,001 to 100,000 square feet	3
For each additional 100,000 square feet of gross floor area, or fraction thereof, over 100,000 square feet of gross floor area	1 additional space

(Ord. 10-001, 1-12-2010)

8-8-1-9: BICYCLE PARKING:

A. Applicability: Bicycle parking shall be required for all parcels proposed for development that have parking lots with twenty (20) or more parking spaces.

B. Number Of Bicycle Parking Spaces: One bicycle parking space per ten (10) parking spaces, to a maximum of six (6) bicycle parking spaces.

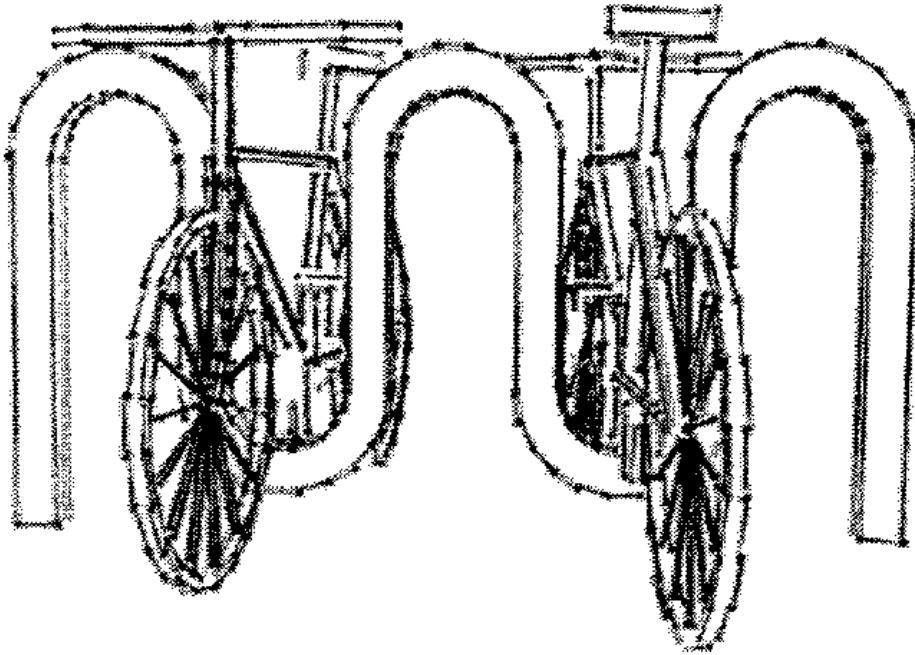
C. Bicycle Parking Design Standards: Bicycle parking shall be designed so that:

1. The bicycle frame and one wheel can be locked to the rack with a high security, U-shaped lock if both wheels are left on the bicycle. See figure 8-8-1-9, "Permitted Bicycle Parking Example - Wave Rack", of this section.
2. A bicycle that is six feet (6') long can be securely held with its frame supported so that the bicycle cannot be pushed or fall in a manner that will damage the wheel components.
3. Racks must be securely anchored.
4. Areas devoted to bicycle parking shall be hard surfaced.

5. Bicycle parking designs that only allow one locking point at the wheel are prohibited.
6. Bicycle racks are not required for bicycle parking associated with residential uses.

FIGURE 8-8-1-9

PERMITTED BICYCLE PARKING EXAMPLE - WAVE RACK



D. Bicycle Parking Location Standards:

1. Short term bicycle parking must be located within fifty feet (50') of the principal building entrance, at the same grade as the sidewalk or accessible route.
2. An aisle at least five feet (5') wide shall be provided behind all required bicycle parking to allow room for bicycle maneuvering.
3. If required bicycle parking is not visible from the street or principal building entrance, a sign shall be posted at the principal building entrance indicating the location of the bicycle parking.

E. Administrative Adjustments: The land use director is authorized to approve an administrative adjustment reducing the number of bicycle spaces if it is demonstrated that:

1. The use will not generate any bicycle traffic; or
2. It is impossible to provide bicycle parking at the subject location. (Ord. 10-001, 1-12-2010)

8-8-2: ACCESS MANAGEMENT AND CIRCULATION:

8-8-2-1: COMMON ACCESS AND INTERNAL CROSS ACCESS:

A. Separate Ownership; No Common Plan Of Development: Where adjacent properties are separately owned and not part of a common plan of development, the county may require common access or internal cross access as the parcels are developed, substantially improved, or redeveloped. As such, an applicant may be granted temporary individual access if:

1. The applicant demonstrates that a reasonable offer with regard to cross access was refused by the adjacent landowner; and
2. The applicant records a covenant acceptable to the land use department to ensure that the connection will be provided and access will be consolidated upon the earlier of:
 - a. Approval for development, substantial improvement, or redevelopment, of the adjacent property, if providing such connection is a requirement of the approval for the adjacent property; or
 - b. The applicant's parcel and the adjacent parcel coming under common ownership.
3. The applicant demonstrates that the proposed temporary access will not materially affect the safe and efficient flow of traffic.

B. Common Ownership Or Common Plan Of Development: Phased development, development sites under the same ownership, or development sites that are consolidated for the purposes of development and comprised of more than one building are considered unified parcels. Unified parcels shall provide access as follows:

1. The number of connections permitted shall be the minimum number necessary to provide reasonable access to the overall site and not the maximum available for the site's frontage; and
2. Access to outparcels shall be internalized using the shared circulation system and designed to avoid excessive movement across parking aisles or queuing across surrounding parking and driving aisles.

C. Terms: The county may require that common and cross access easements include one or more of the following:

1. A continuous drive extending the entire length of each block it serves, or at least one thousand feet (1,000') of linear frontage along a thoroughfare, whichever is less.
2. Sufficient width to accommodate a two-way access between properties, designed to accommodate automobiles and service and loading

vehicles.

3. Stub-outs and other design features to allow abutting properties to be tied in to provide future cross access.

4. Linkage to other cross access drives in the area.

5. Common access, internal cross access, and driveway entrance improvements for nonresidential developments shall be made prior to the recording of a subdivision plat, unless proper surety has been posted to guarantee those improvements.

D. Approval And Recording Of Easements: Access that is shared by adjacent properties, whether under single or separate ownership, requires that an appropriate legal instrument to ensure continued shared access be approved by the land use department and recorded in the official public record at the applicant's expense. The recorded book and page number shall be referenced on any subsequent subdivision plats of the property. (Ord. 10-001, 1-12-2010)

8-8-2-2: NUMBER OF ACCESS POINTS:

A. General:

1. Generally, the maximum number of access points allowed will be the smallest number of access points that are necessary to accommodate the peak hour demands of the site.

2. The maximum number of access points may be increased if:

a. The lot fronts on an arterial and one or more side streets of lesser functional classification;

b. Access to the site will be provided from the streets of lesser functional classification; and

c. The total number of access points along the arterial frontage is reduced. (Ord. 10-001, 1-12-2010)

8-8-3: EXTERIOR LIGHTING STANDARDS:

8-8-3-1: NONRESIDENTIAL LIGHTING STANDARDS:

A. Generally: The maximum permitted illumination and the maximum permitted luminaire height shall conform with this section.

B. Fixture Type:

1. Generally, light fixtures shall be "cutoff" fixtures that limit lighting that is visible or measurable at the property line.

2. "Non cutoff" fixtures may be used only for decorative purposes, provided:

a. They have luminaires that produce no more than one thousand five hundred (1,500) lumens (approximately equal to a 100W incandescent bulb);

b. They have a maximum height of fifteen feet (15'); and

c. They use energy efficient bulbs, such as compact fluorescent (CF).

C. Maximum Freestanding Fixture Height: No freestanding light fixture shall be greater than twenty five feet (25') in height.

D. Maximum Illumination:

1. Outdoor lighting shall be deflected, shaded, and focused away from adjacent properties and shall not be a nuisance to such adjacent properties.

2. Outdoor lighting shall be designed so that any overspill of lighting onto adjacent properties shall not exceed three-tenths ($\frac{3}{10}$) foot-candle, measured vertically, and three-tenths ($\frac{3}{10}$) foot-candle, measured horizontally, on adjacent properties.

3. The ground level luminance ratio (the ratio between the luminance of the brightest point on the property and the darkest point on the property) shall not exceed twelve to one (12:1).

4. If additional light is necessary, it shall be provided within an enclosed structure.

E. Canopy Lighting: Canopy lighting for uses that have sheltered outside work or service areas, such as gas stations, shall meet the standards of this section. All luminaires shall be recessed into the canopy so that they cannot be viewed from off site from an eye height of four feet (4') (to protect automobile drivers from glare).

F. Outside Wall Mounted Lighting: No outside wall mounted lighting is permitted unless it is a cutoff fixture that is pointed straight down. (Ord. 10-001, 1-12-2010)

8-8-3-2: EXTERIOR LIGHTING FOR OUTDOOR RECREATION:

A. Generally: Ball diamonds, playing fields, driving ranges, tennis courts, and similar amusement or recreation uses have unique requirements for nighttime visibility and, generally, have limited hours of operation. The standards of this section, and not section 8-8-3-1, "Nonresidential Lighting Standards", of this chapter, apply to outdoor recreation uses.

B. Fixture Type: Light fixtures for illumination of playing courts and athletic fields shall be "cutoff" fixtures that limit lighting that is visible or measurable at the property line.

C. Maximum Freestanding Fixture Height: No freestanding light fixture shall be greater than eighty feet (80') in height.

D. Maximum Illumination:

1. Field and court lighting shall be deflected, shaded and focused away from adjacent properties and shall not be a nuisance to such adjacent properties.

2. Field and court lighting shall be designed so that any overspill of lighting onto adjacent properties shall not exceed one-half ($\frac{1}{2}$) foot-candle, measured vertically, and one-half ($\frac{1}{2}$) foot-candle, measured horizontally, on adjacent properties.

3. A landscaped buffer yard may be used to block lighting spillover onto adjacent property. The land use department may require more opaque buffer yards than those in chapter 9, "Landscaping And Tree Protection", of this title, to achieve this objective.

E. Hours Of Illumination: If the development is within three hundred feet (300') of a residential district, field lights shall be turned off by ten o'clock (10:00) P.M. (Ord. 10-001, 1-12-2010)

8-8-3-3: PUBLIC SAFETY AND PUBLIC NUISANCE:

A. Generally: The county may require the modification or removal or limited operation of existing or new lighting fixtures found to be a public hazard or public nuisance according to the criteria of this title.

B. Hazards: Criteria for finding illumination to be a public hazard are as follows:

1. Light trespass or glare which is sufficiently intense or contrasts excessively with surrounding illumination, regardless of the intensity of the surrounding illumination, in a manner to cause impairment of visual performance or to distract from or impair the safe operation of a vehicle.

2. Light trespass or glare that impairs a person's visual performance or ability to avoid obstacles in their path.

C. Nuisance: Criteria for finding illumination to be a public nuisance are as follows:

1. Light trespass or glare that deprives an owner or occupant of usual and reasonable use and enjoyment of their property.

2. A high frequency and/or duration of periods when light trespass or glare is sufficient to interrupt or interfere with usual and reasonable use and enjoyment of a property.

3. Light trespass or glare that causes visual discomfort or impairment of visual performance in a manner that deprives any person from the usual and reasonable enjoyment of the public streets and properties of the county. (Ord. 10-001, 1-12-2010)

CHAPTER 9

LANDSCAPING AND TREE PROTECTION

SECTION:

8-9-1: General Requirements

8-9-2: Site Protection And General Planting Requirements

8-9-3: Landscaping And Buffer Areas

8-9-4: Front Yard Requirements

8-9-5: Parking Lot Landscape Requirements

8-9-6: Performance Standards

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8-9-8: Landscape Standards For Streets

8-9-9: General Landscape Requirements

8-9-10: Installation, Maintenance, And Replacement

8-9-11: Preservation Of Trees And Other Vegetation

8-9-12: Invasive Nonnative Plant Restrictions

8-9-13: Natural Landscaping Restrictions

8-9-14: Stormwater Basin Landscaping

8-9-1: GENERAL REQUIREMENTS:

A. A landscape plan shall be submitted for the initial site plan and for the subdivision submittals of the preliminary and the final plats.

B. The landscape plan shall contain the following information:

1. Date, scale, north arrow, title block, and landscape architect seal and signature. (Ord. 2012-012, 4-10-2012)

2. Size and quantity of the plantings including the species' names, both common and botanical names, and the locations of those plantings.

3. Existing conditions including topography at two foot (2') contour lines, trees survey (if necessary), plantings, and any other landscape features such as rock outcroppings on the site. This plan shall identify existing trees having a trunk size of four inches (4") measured six feet (6') from grade. The information shall also include the general health of the tree, species, diameter and height.

4. Landscaping for all areas on the site including, but not limited to, parkway detail, interior parking lot areas, foundation plantings, and perimeter detention/retention areas.

5. A protection plan for existing landscaping shall be provided for the construction phases of the development.

6. Location of all buildings, structures, and pavement that are proposed will remain on the site.

7. Location of any watercourses, ponds, or lakes.

8. Any information that the land use department finds necessary for an adequate review of the proposal. (Ord. 10-001, 1-12-2010)

8-9-2: SITE PROTECTION AND GENERAL PLANTING REQUIREMENTS:

A. Topsoil Preservation: Topsoil moved during the course of construction shall be redistributed on all regraded surfaces so as to provide at least six inches (6") of even cover to all disturbed areas of the development and shall be stabilized by seeding or planting.

B. Removal Of Debris: All stumps and other tree parts, litter, brush, weeds, excess or scrap building materials or other debris shall be removed from the site and disposed of in accordance with the law. All dead or dying trees, standing or fallen, shall be removed from the site. Trees and limbs that are reduced to chips are encouraged to be used as mulch in landscaped areas. (Ord. 10-001, 1-12-2010)

C. Protection Of Existing Landscaping: The following restrictions shall be followed for areas that are designated as preserved landscape areas:

1. Barriers: Temporary barriers shall be placed in areas where preservation is indicated on the landscape plans. The barriers shall provide protection of the areas such that erosion control is established such as silt fences and have signage that specifically states restrictions. Barriers shall be self- supporting and be a minimum of four feet (4') in height and constructed of a durable material that will be maintained until the construction is completed.
2. Grading: Grading and construction equipment is prohibited from encroaching on the drip line of any trees that are indicated as preserved. No material or temporary soil deposits shall be placed within four feet (4') of shrubs or the drip line of trees within the preserved areas.
3. Material Deposited: Limestone or any other material that is detrimental to trees, shall not be discarded or placed within the drip line of any trees nor shall material be located at an elevation which would contribute runoff of such material toward the tree(s).
4. Utility Lines: Utility lines that are located within five feet (5') of a trunk of a preserved tree shall be augured to prevent root damage to the tree.
5. Pruning: Trees that are located within the preserved area which have been subjected to the activity within the drip line should be selectively pruned or thinned a minimum of ten percent (10%). All dead wood shall be removed. (Ord. 2012-012, 4-10-2012)
6. Slope Plantings: Landscaping of all cuts and fills and/or terraces shall be sufficient to prevent erosion, and all roadway slopes steeper than one foot (1') vertically to three feet (3') horizontally shall be planted with ground cover appropriate for the purpose and for soil conditions, water availability, and the environment. (Ord. 10-001, 1-12-2010)

8-9-3: LANDSCAPING AND BUFFER AREAS:

A. Applicability And Exemptions:

1. Landscaping requirements that are set forth within this section shall apply to all improvements to a parcel with the exception of the following:
 - a. Agriculture uses and structures.
 - b. Single- and two-family dwelling units.

B. New Development: Landscaping requirements shall apply to all new development described below:

1. A nonresidential zoning district adjacent to a residential use or residential zoning district.
2. A two-family or multi-family use that is adjacent to a single- family detached use or a single-family detached zoning district.
3. Commercial driveways, parking areas, and outdoor trash containers located on main arterial streets.
4. Parking lots that contain more than four (4) parking spaces that are located less than forty feet (40') from a residential zoning district or use or street right of way line.
5. Outdoor storage of goods, products, materials, supplies, machinery, equipment, or commercial vehicles.
6. Outdoor trash facilities.
7. Planned use or special use development with mixed uses. (Ord. 10-001, 1-12-2010)

C. Landscape Points: Landscape points shall be assigned as the following:

TABLE 8-9-3

LANDSCAPE POINTS

Tree classification:	Point Value
Shade tree	20 points
Evergreen tree	20 points
Intermediate tree	20 points
Shrub classification:	
Evergreen shrubs	5 points
Deciduous shrubs	3 points

(Ord. 2012-012, 4-10-2012)

8-9-4: FRONT YARD REQUIREMENTS:

- A. Landscape plans for front yards shall have a total amount of landscape points equivalent to taking the length of the front property line and dividing by two (2).
- B. The minimum points that shall be used shall be eighty (80) landscape points and shall be balanced appropriately between the shrubs and trees.
- C. Berms may contribute to up to fifty percent (50%) of the total landscape points for that portion of the landscaped yard. Berm heights of at least two and one-half feet (2'6") will receive credit based on the following:
 1. Berm height in feet x 10 = % of points credited (0.5') increments:
 - a. Example: 100'0" long berm at 2.5' high x 10 = 25% of points credited for that landscape yard.
 2. Berm heights of five feet (5') or more shall be credited a maximum of fifty percent (50%) of the points required for that portion of the landscape yard.
 3. When berms are used in combination with fencing for required screening, credit will be given for either the berm or the fence but not for both. (Ord. 2012-012, 4-10-2012)

8-9-5: PARKING LOT LANDSCAPE REQUIREMENTS:

A. Parking lot landscaping shall be evenly dispersed throughout the off street parking areas in internal islands, in terminal medians, and along the perimeter of the parking lot area.

Landscaping within the interior of off street parking areas shall be improved with one canopy tree or one understory tree and a minimum of one hundred (100) square feet of landscape area for every twelve (12) parking spaces.

1. End islands shall be a minimum width of nine feet (9') and a minimum length of three feet (3').
 2. Intermediate and half end islands shall be a minimum width of nine feet (9') and minimum length of eighteen feet (18'). In the case of angle parking, the perpendicular from the center of the parking bay to the aisle shall be the minimum length.
 3. Corner islands shall be a minimum of eighteen (18) square feet, except in the case of angle parking, where the perpendicular length of the stall from the centerline of the parking bay shall be the minimum dimension.
 4. Center islands between head-in parking and drive islands shall be a minimum width of nine feet (9') and the same length as the parking bay. (Ord. 2012-012, 4-10-2012)
- B. Perimeter off street parking areas adjacent to a buffer zone shall be improved with three (3) plant units per one hundred feet (100') of linear distance surrounding the parking area. (Ord. 10-001, 1-12-2010; amd. Ord. 2012-012, 4-10-2012)

8-9-6: PERFORMANCE STANDARDS:

- A. All landscape plans shall fully meet the following performance standards of this section in order to receive approval:
1. Landscaping shall not impede the line of sight necessary for motorists and pedestrians to move into, out of, and within the site.
 2. Landscaping materials shall be selected and placed in such a manner that they do not interfere with or damage existing utilities.
 3. Landscaping materials shall be selected and placed such that the materials do not inhibit the safe and enjoyable use of surrounding properties.
 4. Landscaping should reduce the intrusion of headlights and other glare and also provide a buffer between pedestrians and vehicles.
 5. Landscaping should offer a visual separation or screen between land uses that have intense activities or significantly different appearances or that are otherwise incompatible to some degree. (Ord. 10-001, 1-12-2010)

8-9-7: INCENTIVES:

A. Incentive For Preserving Existing Landscaping: Existing landscaping that is in vigorous growing condition and is not specifically prohibited by this title may count toward meeting the point requirements of this section. Furthermore, the following plant materials will be awarded five (5) additional points (added to the base value) per tree when preserved:

1. Shade trees: Twelve inch (12") diameter trunk or greater.
2. Intermediate trees: Fifteen foot (15') height or taller.
3. Evergreen trees: Fifteen foot (15') height or taller.

B. Incentive For Planting Larger Landscape: Planting of landscaping larger than the minimum required sizes as specified herein will be rewarded with five (5) additional points (added to base value) per tree when the proposed sizes are as follows:

1. Shade trees: Four inch (4") diameter or greater.
2. Intermediate trees: Ten foot (10') height or taller.
3. Evergreen trees: Ten foot (10') height or taller. (Ord. 10-001, 1-12-2010)

8-9-8: LANDSCAPE STANDARDS FOR STREETS:

- A. Subdivisions And Local Streets: Subdivisions and local streets shall have two (2) canopy trees per one hundred feet (100') of road frontage.
- B. Arterial/Collector:
1. Residential uses abutting an arterial or collector street shall have three (3) plant units per one hundred feet (100') of road frontage.
 2. Nonresidential uses abutting an arterial or collector street shall have one plant unit per one hundred feet (100') of road frontage. (Ord. 10-001, 1-12-2010)

8-9-9: GENERAL LANDSCAPE REQUIREMENTS:

- A. Conformance: All plants shall conform to the "American Standards For Nursery Stock", latest edition according to the current standards of the American Association Of Nurserymen.
- B. Plant Availability And Hardiness: All plants used in landscape plans shall be hardy in USDA zone 5.
- C. Deciduous Shade And Street Trees: Deciduous shade and street trees shall be fully branched, and have a minimum caliper of three inches (3"), except for single lot residential development, which shall have a minimum caliper of two and one-half inches (2¹/₂") as measured six inches (6") above ground level. Specimens shall be properly pruned to maintain a natural form.
- D. Ornamental Trees: Ornamental trees shall be fully branched, and have a minimum caliper of two and one-half inches (2¹/₂") for single lot residential development, which shall have a minimum caliper of two inches (2"), as measured six inches (6") above ground level. Specimens shall be properly pruned to maintain a natural form and effective screening.
- E. Evergreen Trees: Evergreen trees shall have a minimum height of eight feet (8'), except for single lot residential development, which shall have a minimum height of six feet (6'). Trees shall be fully branched to the ground.
- F. Columnar Evergreens: Columnar evergreens shall have a minimum height of four foot (4') and shall be fully branched to the ground.
- G. Tall Shrubs And Plants: Tall shrubs shall be supplied in five (5) gallon or larger containers, or balled and burlapped. Plants shall measure at least thirty six inches (36") in height and shall be fully branched to the ground. Shrubs shall be properly pruned to maintain effective screening.
- H. Low Shrubs And Plants: Low shrubs shall be supplied in two (2) gallon or larger containers for residential developments or five (5) gallon or larger containers for nonresidential development. Plants shall measure at least eighteen inches (18") in height or spread for residential development

and at least twenty four inches (24") in height or spread for nonresidential development.

I. Ground Cover Plants: Ground cover plants shall be planted so that an effective covering is obtained within two (2) growing seasons, or a maximum spacing of one foot (1') on center, in all directions.

J. Hazards: Plant materials, including deciduous trees and evergreen trees, shall not cause a hazard. Landscape plant material overhanging walks, pedestrian or bicycle paths, and seating areas shall be pruned to a minimum height of eight feet (8'); and to a minimum height of twelve feet (12') over streets and highways, and above parking lot aisles and spaces.

K. Mixture Of Trees: The landscape plan shall provide a mixture of trees such that a maximum of thirty three percent (33%) of the total amount of the required trees will not be of the same genus. (Ord. 10-001, 1-12-2010)

8-9-10: INSTALLATION, MAINTENANCE, AND REPLACEMENT:

A. Installation: All landscaping shall be installed according to sound nursery practices in a manner designed to encourage vigorous growth. Sites for plant material shall be prepared or improved in accordance with American Association Of Nurserymen standards for soil preparation and drainage. Friable soil shall be provided in all planting areas, and subsurface drainage shall be provided where berms, elevated areas, or other suitable means for providing proper drainage do not exist. All shrubs shall be of a species that is hardy to the USDA zone 5 restrictions.

B. Timing Of Installation: Required trees, shrubs, and sod shall be installed on each lot prior to the issuance of a certificate of occupancy for that lot. The county may issue a temporary certificate of occupancy during winter months, and a final certificate of occupancy when weather permits.

C. Maintenance And Replacement: Required trees, shrubs, structures, and other landscape features shall be considered as elements of the project in the same manner as parking, building materials, and other details are elements of the plan. The landowner or successors in interest shall be jointly and severally responsible for the following:

1. All landscaping shall be maintained in good condition and in a way that presents a healthy, neat, and orderly appearance. All landscaping shall be maintained free from disease, pests, weeds, and litter. Maintenance shall include weeding, watering, fertilizing, pruning, mowing, edging, mulching, or other maintenance, as needed. All maintenance shall be performed in accordance with acceptable horticultural practices.

2. The repair or replacement of required landscape structures (fences, etc.) to be in structurally sound condition.

3. The regular maintenance, repair, or replacement, where necessary, of any landscaping required by this section; and

4. Continuous maintenance of the site as a whole.

5. The land use department shall be authorized to require assurance of continued landscape performance and/or maintenance in the form of a condition, covenant, contract, development agreement, or performance/maintenance assurance to assure installation and, for a minimum two (2) year period, the continued maintenance of landscape improvements associated with a development. The amount of the performance assurance shall be at least one hundred twenty percent (120%) of the estimated cost of the required landscape improvements. The maintenance assurance shall be equal to at least ten percent (10%) of the performance assurance.

D. Mechanisms Of Providing Guarantees: Performance and maintenance guarantees shall be provided by one or more of the following means. The form and details of the guarantees to be provided shall be as required by the county board and approved by the state's attorney.

1. Surety Bond: The applicant shall obtain a security bond from a surety bonding company authorized to do business in Illinois.

2. Letter Of Credit: The applicant shall provide an irrevocable letter of credit from a bank or other reputable institution.

3. Escrow Account: The applicant shall deposit cash, or other instruments readily convertible into cash at face value, either with the county or in escrow with a bank.

4. Subdivision Improvement Agreement: The applicant shall provide as a guarantee a subdivision improvement agreement between the applicant, lender, and county. (Ord. 10-001, 1-12-2010)

8-9-11: PRESERVATION OF TREES AND OTHER VEGETATION:

A. Applicability And Exemptions: Tree preservation shall be applied to parcels that are greater than five (5) acres with the exception of the following:

1. Agricultural uses.

2. Single- and two-family dwelling units which have trees that cover less than twenty five percent (25%) of the parcel.

3. Diseased trees or trees that are damaged to the point where they would no longer be considered healthy or pose a danger to the occupant or structure(s).

4. For personal use for firewood for single- and two-family dwelling uses.

5. For construction purposes where no alternate plan is feasible based on site conditions.

B. Tree Removal: No live trees that are four inches (4") or greater in diameter at a height of five feet (5') may be removed without first submitting an application for tree removal and receiving approval.

C. Tree Removal Permit: The application for tree removal shall be made to the county land use department. This application must be submitted and approved prior to the site grading plan permit issuance. The plan shall include the following:

1. A tree survey showing the location of all trees that are four inches (4") in caliper or greater within one hundred feet (100') of any tree proposed to be removed, including a description of the tree(s), botanical name, common name, caliper size, and general condition or health of the tree(s). The survey shall be completed by an International Society Of Arboriculture certified arborist or Illinois department of natural resources consultant forester.

2. Delineation of trees to be removed and trees to be preserved.

3. Details and specifications or procedures to be used to protect trees being preserved.

4. Location, size, and name of the replacement trees.

D. Tree Preservation And Removal Guidelines:

1. Preservation: Every reasonable effort shall be made to retain existing trees shown on the tree survey through the integration of those trees into the site plan and landscape plan for proposed development.

- a. Critical areas, such as forested riparian zones, steep slopes, and wetlands, should be left in their natural condition or only partially cleared where invasive plants are located. Resource preservation standards are listed in section 8-4-2-2, "Resource Protection Levels", of this title.
- b. Cutting and filling within the vicinity of the preserved trees should be minimal.
- c. On all lots, the area that is within fifty feet (50') of the front lot line shall be preserved unless there is a demonstrated need for removal due to driveway or utility access.
- d. On corner lots, existing trees in street side yards that abut collector or arterial streets shall be preserved unless there is a demonstrated need for removal due to driveway or utility access.
- e. If more than one-third ($\frac{1}{3}$) of the tree's root system is to be affected by construction (such as compaction of the soil, cutting, etc.), the tree should be part of the removal plan and replaced with the appropriate number of trees.

2. Preconstruction Protection Measures:

a. A temporary six foot (6') orange construction safety fence, rigid wood fence, or chainlink fence, along with signage, must surround the periphery of the tree drip line as a construction barrier prior to the start of any site work.

b. If construction limits encroach within the drip line of the tree, the following procedures will be required:

(1) Trunk wrapping from the base of the tree to a height ten feet (10') above grade. No attachments, such as board shall be attached with nails or other fasteners to the tree.

(2) Underground utility lines that are proposed within five feet (5') of the preserved trees shall be augured or bored. This should be clearly shown on the plans.

3. Tree Removal: Trees shall be removed if the following conditions exist:

- a. Dead from natural causes.
- b. Pose a safety hazard to people or property.
- c. Substantially diseased or weakened by age, storm, fire or other injury.
- d. The tree removal is of a nuisance tree as listed below:

NUISANCE TREES	
Common Name	Scientific Name
NUISANCE TREES	
Common Name	Scientific Name
Ash, green	Fraxinus pennsylvanica spp.
Ash, white	Fraxinus americana spp.
Autumn olive	Eleagnus umbellate
Black locust	Robina pseudoacacia
Boxelder	Acer negundo
Common buckthorn	Rhamnus cathartica
Cottonwood	Populus deltoids
European ash	Fraxinus excelsior
Gingko (female)	Gingko biloba
Golden rain tree	Koelreuteria paniculata
Osage orange	Maculra pomifera
Russian olive	Eleagnus angustifolia
Siberian elm	Ulmus pumila
Silver maple	Acer saccharinum
Tree of heaven	Ailanthus altissima
White mulberry	Morus alba
Willow	Salix, spp.

4. Acceptable Landscaping:

SHADE TREES	
Common Name	Scientific Name
SHADE TREES	
Common Name	Scientific Name
Coffee tree, Kentucky	Gymnocadius dioica
Ginkgo	Ginkgo biloba
Hackberry	Celtis occidentialis
Honey locust	Gleditsia tricanthos
Linden, American	Tilia americana spp.
Linden, little leaf	Tilia cordata spp.
Linden, silver	Tilia tomentosa

Maple, black	Acer nigrum
Maple, Norway	Acer platanoides spp.
Maple, red	Acer rubrum
Maple, sugar	Acer saccharum
Oak, burr	Quercus macrocarpa
Oak, swamp white	Quercus bicolor
Oak, white	Quercus alba
Pear, Bradford	Pyrus calleryana
Pear, Cleveland select	Cleveland select
Sycamore	Platanus occidentalis
Tulip tree	Liriodendron tulipifera

EVERGREEN TREES

Common Name	Scientific Name
Fir, douglas	Pseudotsuga menziesli
Fir, white	Abies concolor
Pine, Austrian	Pinus, nigra
Pine, Scotch	Pinus sylvestris
Pine, white	Pinus strobes
Spruce, Black Hills	Picea glauca densata
Spruce, Colorado	Picea pungens
Spruce, Norway	Picea abies
Spruce, white	Picea strobes

ORNAMENTAL TREES

Common Name	Scientific Name
Alder	Alnus glutinosa
Birch, river	Betula nigra
Hawthorn, downy	Crataegus molis
Hawthorn, thornless	Crataegus crusgali inermis
Hawthorn, Washington	Crataegus phaenopyrum
Hornbeam, American	Carpinus carolinaiana
Lilac, Japanese tree	Syringa reticulate
Magnolia, saucer	Magnolia soulangiana
Magnolia, star	Magnolia stellata
Redbud	Cercis canadensis
Serviceberry, apple	Amelanchier grandiflora
Serviceberry, shadblow	Amelanchier canadensis

a. Any tree approved for removal shall be replaced with new trees that have a minimum caliper of two and one-half inches ($2\frac{1}{2}$ ") and shall consist of the shade tree varieties listed under this subsection C4, "Acceptable Landscaping". The tree replacement schedule is as follows:

TREE REPLACEMENT SCHEDULE

Caliper Of Tree (Inches)	Number Of Replacement Trees
30 or greater	6
13 to 29	5
8 to 12	4
4 to 7	2

b. Any tree that is identified as a preserved tree and is removed or damaged shall be replaced with the following schedule:

PRESERVED TREE REPLACEMENT SCHEDULE

Caliper Of Tree (Inches)	Number Of Replacement Trees
30 or greater	12
13 to 29	10
8 to 12	8
4 to 7	4

(Ord. 10-001, 1-12-2010)

8-9-12: INVASIVE NONNATIVE PLANT RESTRICTIONS:

All weeds in excess of fifteen inches (15") in height shall be cut. Failure to cut weeds will require that the zoning officer notify the owner of the lot that if the weeds are not cut within fifteen (15) days of notification that the weeds will be cut at the owner's expense. Failure to pay the cutting fees will require that a lien be placed against the property for that amount.

A. Exceptions:

1. Native Plantings: The use of native plant species for function, aesthetics, and/or wildlife reasons.
2. Wildlife Plantings: The use of native and/or introduced plant species to attract and aid wildlife.
3. Erosion Control: To offset and control any soil loss problems both occurring and predicted. Erosion control plantings should be selected in accordance with section 8-9-13, "Natural Landscaping Restrictions", of this chapter.
4. Soil Fertility Building: The enrichment and eventual stabilization of soil fertility through the use of various plant species.
5. Governmental Programs: Any federal, state or local programs which require the unimpaired growth of plants during a majority or all of the growing season.
6. Educational Programs: Any areas designated for educational studies.
7. Cultivation: Any plant species or group of plant species native or introduced and grown for consumption, pleasure, or business reasons.
8. Biological Control: The planting of a particular plant species or group of species which will effectively out compete and replace a noxious or troublesome weed species without additional soil disturbance of the site.
9. Parks And Open Space: Any and all public parks and open space lands whether under the jurisdiction of federal, state or local agencies including private conservation/preservation organizations.
10. Wooded Areas: All areas that are predominantly wooded. (Ord. 10-001, 1-12-2010)

8-9-13: NATURAL LANDSCAPING RESTRICTIONS:

A. All natural landscaped areas shall have a setback of three feet (3') from the lot line of an adjoining property. The setback area shall consist of turf grass that is maintained.

B. Natural landscaped areas shall include features that are conducive to the lighting, soil conditions, and the current landscape of the property. Owners of natural landscaped areas shall have a detailed plan that indicates the species of plants and topography of the site.

C. Prescribed burning of native plants should be done. A fire plan shall be provided as part of the landscape plan. The fire plan information shall be provided prior to the burn to the fire district in which the property is located and to the Illinois EPA. Signage shall be provided on the property to indicate that a prescribed burn will be completed for public notice.

D. Natural landscaped areas shall include native plantings and shall be free of noxious weeds as listed in subsection 4-8-1A of this code and the weeds as listed below:

1. Common ragweed.
2. Giant ragweed.
3. Japanese honeysuckle.
4. Multiflora rose. (Ord. 10-001, 1-12-2010)

8-9-14: STORMWATER BASIN LANDSCAPING:

A. Applicability: All stormwater retention and detention facilities shall apply the following landscaping requirements:

1. Native prairie grasses, grass like species, wildflowers, and wetland species shall be planted in and around stormwater basins. Trees, shrubs, and native plantings may be included in the planting schedule of the basins above the high water line of the basins.

2. Stormwater basin planting area shall include:

- a. The bottom and side slopes of dry basins or ponds from the normal water line to ten feet (10') beyond the high water line.
- b. The submergent, emergent wet meadow and upland zones of wetland basins, wet basins, or ponds shall be planted with native plantings that are conducive to the region in which they are planted.

B. Stormwater Basin General Landscape Requirements:

1. All plants specified, excepting temporary cover crop, shall be native to the north central region of the United States.
 2. A minimum of five (5) native grasses, which may include rush and sedge species, and twenty five (25) native wildflower species, shall be included in the planting area.
 3. Seventy percent (70%) of native nonwoody species shall have a mature height of at least thirty inches (30") to provide sufficient plant height and density for goose control.
 4. Safety ledges in ponds shall be planted with native wetland species.
 5. Cover crop shall consist of noninvasive species compatible with the establishment of native plantings.
 6. Specify erosion control measures for seedling and planting.
 7. Plantings shall be designed to provide a variety of blooming periods throughout the year.
- C. Establishment Requirements: Areas to be planted with native species shall conform to the following requirements to ensure establishment:
1. Planting area shall not exceed a five to one (5:1) slope.
 2. Where space allows, areas up to one foot (1') above the normal water line shall not exceed a ten to one (10:1) slope.

3. Planting areas shall have at least twelve inches (12") of clean uncompacted topsoil. Subsoils shall be loosened and topsoil applied to minimize compaction.

4. Cover crop may be planted immediately after grading to prevent erosion if conditions are conducive for native species seeding. Permanent native species shall be planted during the first available growing season at the appropriate time and conditions for such plantings.

5. Open areas shall be separated within three feet (3') of adjacent properties with mowed turf or short native grass. The grasses shall be regularly mowed to serve as a physical separation between native plantings and adjacent properties.

6. Paths within the native landscape area shall be no more than four feet (4') in width and shall not be asphalt or oil granular material. Paths may access shoreline of permanent water areas along no more than a total of twenty percent (20%) of the shoreline length.

7. Trees and shrubs shall not interfere with access easements and access to stormwater basins for maintenance purposes.

8. Plantings shall meet the following minimum annual performance criteria. A report shall be provided to the land use department indicating the status of these annual evaluations. Areas which do not meet annual establishment standards as determined by the county shall be replanted at the developer's/owner's expense.

a. First year: Ninety percent (90%) of cover crop established. No bare areas greater than two (2) square feet. Invasive species control measures approved in the plan.

b. Second year: Full vegetative cover. At least fifty percent (50%) of vegetation present shall be native noninvasive species. Invasive species control measures approved in the plan.

c. Third year: At least seventy five percent (75%) of vegetation present shall be native noninvasive species. Nonnative species shall constitute no more than twenty five percent (25%) of relative aerial coverage of the planted area. Invasive species control measures approved in the plan.

(1) A compliance report shall be submitted by the owner's/developer's certified landscape architect no less than sixty (60) days prior to the expiration of the landscape letter of credit certifying that the planting meets the performance criteria and requesting the release of the landscape letter of credit. Final acceptance and release shall be determined by the county upon inspection to verify compliance.

D. Long Term Maintenance: Stormwater basin native plantings shall be maintained according to approved management practices as provided for in subdivision covenants or easement, following final acceptance of the planting by the county.

1. Prescribed burning annually or at least every three (3) years is the best management practice for established native prairie plantings. Burning requires a permit from Illinois EPA and notification of the local fire district. Burning shall be performed by a contractor that has experience in burning natural landscape.

2. Late fall or early winter mowing to a height of six (6) to twelve inches (12") with removal of hay may be performed in alternate years where burning is not practical or conditions are not conducive to burning.

3. Application of herbicide to control invasive species may be necessary if burning does not control or eliminate them. A certified and licensed pesticide applicator shall select a herbicide which is nontoxic to animal and aquatic life and shall apply the herbicide by the appropriate method to prevent killing of desirable native species. (Ord. 10-001, 1-12-2010)

CHAPTER 10

OVERLAY DISTRICT

SECTION:

8-10-1: Purpose And Applicability

8-10-2: Nonresidential Design Standards

8-10-2-1: Nonresidential Use Site Design Standards

8-10-2-2: Nonresidential Building Design Standards

8-10-2-3: Connectivity And Access Management

8-10-3: Residential Design Standards

8-10-3-1: Residential Site Design Standards

8-10-1: PURPOSE AND APPLICABILITY:

A. Purpose: The purpose of this overlay district is to establish access and design standards to ensure that new development, redevelopment, substantial reconstruction, or expansion of existing buildings enhances the overall quality and character of the county.

B. Traffic Safety And Access Management Intent: Traffic and access management safety issues associated with major arterials are also primary concerns in this overlay district. The provision of safe access to adjoining roads and interconnections between adjoining developments is important to a transportation system that works. Access to the state's roads is governed by the Illinois department of transportation, which is responsible for the review of the site plan for access to the adjoining road network. It is the purpose of this overlay district to encourage connectivity between adjoining uses along arterial and collector roads to reduce the need for traffic to go onto major roads to reach nearby uses. (Ord. 10-001, 1-12-2010)

C. Applicability: The extent of the overlay district is coterminous with the extent of the commercial land uses identified along U.S. 6, IL-47, and IL-113 in the Grundy County land use plan as indicated in the overlay district maps on file with the county. The requirements for the overlay districts shall be applicable for all parcels that from U.S. 6, IL-47, and IL-113 for a distance of one thousand five hundred feet (1,500') of depth from the front lot line into the parcel. The land use plan and the overlap maps are available from the Grundy County land use department. (Ord. 2012-014, 4-10-2012)

8-10-2: NONRESIDENTIAL DESIGN STANDARDS:

8-10-2-1: NONRESIDENTIAL USE SITE DESIGN STANDARDS:

A. Parking And Loading:

1. Parking Location: Parking areas containing more than twenty (20) vehicle spaces shall have at least seventy five percent (75%) of the spaces located beside or behind the principal building unless there are site conditions that prohibit such parking lot design.

2. Loading Location And Screening: All loading areas are required to be located on the same lot as the building or lot served by the loading area. Semitrailer loading spaces and loading docks shall be located behind buildings and completely screened from view from adjacent properties and public rights of way by walls, enclosures, berms, or landscaping. Loading areas shall be located such that no part of a truck extends into right of way or interferes with parking access while it is loading or unloading.

B. Signage: Within the overlay district, the sign regulations identified in chapter 5, "Signs", of this title, are modified such that only monument signs with a height of not more than eight feet (8') are permitted in the overlay district. No other sign types, including pole mounted signs, are allowed in the overlay district.

C. Landscaping Requirements: All of the landscaping standards from chapter 9, "Landscaping And Tree Protection", of this title apply in the overlay district, except as follows:

1. The landscaping requirements apply within the overlay district regardless of the zoning of adjacent property;

2. The landscaping requirements apply to all nonresidential, two- family, and multi-family development; and

3. Front yard landscaping shall be calculated as one point for each foot in length of the front property line.

4. An additional twenty (20) points of landscaping is required in the area within five feet (5') of a monument sign. This signage landscape requirement may be applied towards the front yard landscaping requirement. See subsection B of this section for the overlay district signage requirements.

D. Trash Collection: All dumpsters and trash collection areas are subject to the following standards:

1. Dumpster and trash areas shall be located and designed for loading and trash collection to be done in an efficient manner that allows trucks easy movements for trash collection.

2. Trash areas shall be located and oriented so that they do not create a nuisance to adjoining owners or an unsightly view from public or private roads. (Ord. 10-001, 1-12-2010)

3. Trash container or collection areas shall be screened on three (3) sides at one hundred percent (100%) opacity with materials that are aesthetically similar as the architecture of the main structure and also durable for the use intended. Chainlink fencing is prohibited. (Ord. 2012-009, 4-10-2012)

4. Dumpster enclosures shall be architecturally compatible to the principal building in terms of materials and color.

5. Gates are required and shall be constructed of wood. (Ord. 10-001, 1-12-2010)

8-10-2-2: NONRESIDENTIAL BUILDING DESIGN STANDARDS:

A. Generally: Nonresidential buildings shall conform to the design standards of this section.

B. Three Hundred Sixty Degree Architecture: The architectural features, materials, and articulation of the front facade shall be continued on all sides. The rear facade may be exempted if no section shall be visible from an existing or planned public street.

C. Prohibited Building Finish Materials: Building materials used for exterior walls of each elevation of all commercial or mixed use buildings shall not use prefabricated metal siding or corrugated metal.

D. Blank Walls: All exterior building elevations that face public streets, customer parking areas, or areas of residential use shall be designed so that there are no areas of blank wall that are more than forty feet (40') in horizontal or vertical direction. This requirement can be met by window openings, articulation of the building, porches or balconies, material and color variations, decorative cornices, murals, score lines, and graphics. Foundation plantings equal to a shrub every ten feet (10') or tree every forty feet (40') are also sufficient.

E. Corporate Logos And Signage: Corporate logos or signs that are used on building facades are regulated as signs, in accordance with chapter 5, "Signs", of this title.

F. Mechanical Equipment: Rooftop mechanical equipment (e.g., HVAC systems) mounted on a flat roof shall be screened with materials and colors that are consistent with the design of the building. In addition, mechanical equipment shall be screened from all ground level views from adjacent property and rights of way by:

1. Parapet walls; or

2. Hedges installed on a green roof system, provided that the mechanical equipment is set back at least twenty five feet (25') from all exterior building walls; or

3. Sloped roof systems or other architectural elements that conceal the flat roof area where the equipment is not visible from ground level views.

G. Building Design Features Menu: Each building over fifty thousand (50,000) square feet shall incorporate five (5) of the following ten (10) building design options:

1. Building Materials:

a. In order to vary texture, every elevation of the building shall be composed of not less than two (2) materials.

b. Use of masonry or brick for fifteen percent (15%) of the building front facade.

c. The front facade shall have a rhythm created by vertical elements with a twenty (20) to twenty five foot (25') on center spacing. This vertical element shall be wrapped around the side of the building for the first fifty feet (50').

d. The buildings should articulate the floor levels with horizontal bands of different materials, offsets and shadow lines, changes in window treatments, or changes in material or color, balconies, or railings.

e. Minor setback offsets to make it appear as if it were a separate building. The minimum offset is one foot (1') with a maximum of six feet (6').

f. A change in the number of floors.

g. Obvious variations in roof or parapet height or design.

2. Transparency:

a. Not less than thirty percent (30%) of the ground level front facade shall be transparent, including window or door openings that allow views into and out of the interior of the building.

3. Entrances:

a. Entrances to ground level uses shall be recessed between three (3) and eight feet (8').

b. Covered by awnings that project between four (4) and six feet (6') from the building face. (Ord. 10-001, 1-12-2010)

8-10-2-3: CONNECTIVITY AND ACCESS MANAGEMENT:

The following governs the review of access and interconnection:

A. General: Developments shall have restricted access to collector or arterial roads in the overlay district and conform to the Grundy County highway access regulation ordinance. Every effort shall be made to ensure developments along these roads share common access points to maintain the capacity of the road by restricting turning movements.

B. Highway Access Management: Strip development with each use having its own access to state roads is undesirable.

1. Access To Arterials: All access points to arterials shall comply with the Grundy County highway access regulation ordinance.

2. Corner Parcels And Access To IL-47: A corner parcel that has street frontage on IL-47 and another thoroughfare shall take access from the other thoroughfare unless such access poses a safety challenge or requires the destruction of a high value resource.

3. Additional Highway Access Review: The Illinois department of transportation (IDOT) shall review all subdivision and land development applications and indicate whether it approves of the proposed access in terms of location and sight distances, acceleration and deceleration lanes, turn lanes, traffic signs and/or signals, and the capacity of the road to handle the proposed traffic.

4. Temporary Curb Cuts: Should the first parcel to develop not be at the best location for access to an area, the county and IDOT may issue a temporary curb cut permit. This temporary curb cut allows the entrance to be located there, provided that there are connections to the adjoining properties and the landowner signs an agreement giving IDOT permission to close the curb cut, at the landowner's expense, once the property has access to a better curb cut location.

5. Curb Cut Width: Wherever consistent with safe access and traffic circulation, limit curb cuts to the least width necessary.

C. Internal Circulation: The internal circulation shall be such that it provides for automobile and pedestrian access across the site and adjoining sites for interconnecting traffic. The land use department, or its designee, shall review the plans to ensure that, where interconnections can be made or where adjoining properties have provided for interconnections, the plan makes the connections.

1. Internal Pedestrian Access: In parking areas containing over twenty (20) vehicles, pedestrian walkways between the main entrance and the parking area should include a sidewalk or be clearly identified with a crosswalk.

2. Connectivity: To ensure safe and convenient access and circulation, the county may require connections between abutting parcels, including connected parking areas, frontage roads, or reverse frontage roads. The development committee shall review the layout and engineering of such linkages to ensure that they are feasible and safe. The plan shall be changed if the circulation pattern does not meet these criteria:

a. Sufficient width to accommodate a two-way access between properties, designed to accommodate automobiles and service and loading vehicles.

b. Stub-outs and other design features to allow abutting properties to be tied in to provide future cross access.

c. Linkage to other cross access drives in the area.

3. Planned Cross Access (Stub Streets): Land development plans may be required to be modified to make the connections or to ensure that the interconnections between a number of properties are planned in a manner that facilitates movements between sites. In the event that a neighboring site has not yet been developed, the plans shall illustrate the space reserved for stub street location. Any planned connections may defer construction until the adjacent property is developed.

4. Existing Stubs: If the neighboring property has provided a stub to the subject property, the connection shall be made unless there is a high quality resource that would have to be destroyed to make the connection.

5. Intersection Alignment: Either the centerline of opposing nonresidential access points shall be directly aligned or they shall be offset no less than seventy five feet (75').

D. Easements: Access that is shared by adjacent properties, whether under single or separate ownership, requires that an access easement and agreement between property owners be approved by the county and recorded. The recorded book and page number shall be denoted on any subsequent subdivision plats of the property. Access shall conform to the Grundy County highway access regulation ordinance. (Ord. 10-001, 1-12-2010)

8-10-3: RESIDENTIAL DESIGN STANDARDS:

8-10-3-1: RESIDENTIAL SITE DESIGN STANDARDS:

A. Landscaping: In addition to any applicable landscaping requirements set out in chapter 9, "Landscaping And Tree Protection", of this title, two (2) trees shall be planted in the front yard of new single-family detached residential units. This landscaping requirement applies whether located as a single lot split or as part of a larger subdivision.

B. Prohibited Building Finish Materials: Building materials used for exterior walls of each elevation of all attached residential, multi-family buildings shall not use prefabricated metal siding or corrugated metal.

C. Driveway Access: The driveway should be configured to allow for cars to not have to back out onto an arterial or collector street. A turnaround or similarly functional driveway feature should be identified on the site plans.

D. Subdivision Access: Subdivisions should take access from local streets and not allow individual lots to access arterials directly (see subsection 8-6-3-1C, "Residential Development Design", of this title). (Ord. 10-001, 1-12-2010)

RECREATIONAL VEHICLE PARKS AND CAMPGROUNDS

SECTION:

8-11-1: Purpose And Intent

8-11-2: Development Permit And Site Plan Requirements

8-11-3: Health And Sanitation Requirements

8-11-4: Service Buildings And Accessory Uses

8-11-5: Recreational Areas

8-11-6: Street System, Parking, And Pedestrian Access

8-11-7: Individual Space Requirements

8-11-8: Environmental, Open Space, And Access Requirements

8-11-9: Fires

8-11-10: Responsibilities Of Park Management

8-11-11: Responsibilities Of Park Users

8-11-12: Access For Repairs And Maintenance

8-11-13: Inspections

8-11-1: PURPOSE AND INTENT:

The County is dedicated to the preservation of productive agricultural land. This chapter is not intended to conflict with this policy, but rather, this chapter offers an alternative use for marginally productive farmland such as woodlands. This chapter is designed to:

- A. Protect and maintain productive agricultural lands;
- B. Protect and maintain the future development of agricultural operations by protecting existing agricultural operations from incompatible uses;
- C. Prevent excessive increases in public service costs by directing proposed campgrounds to areas served by or adjacent to public service facilities;
- D. Protect the County's high quality recreational resource areas including wooded areas, natural watercourses, ponds, wetlands, unique topographic features, and slopes exceeding ten percent (10%); and
- E. Ensure that recreational vehicle parks and campgrounds maintain the high quality of the County's recreational resource areas. (Ord. 10-001, 1-12-2010)

8-11-2: DEVELOPMENT PERMIT AND SITE PLAN REQUIREMENTS:

- A. Application For Permit: All applications for a permit to operate a recreational vehicle park or campground shall contain the following:
 1. Name, address, and telephone number of applicant.
 2. Percentage of interest of the applicant and/or owners in the proposed campground.
 3. Names and addresses of all persons holding interest or having an interest in the proposed campground.
 4. Location, address, and legal description of the entire proposed campground.
 5. Existing zoning of subject property and all adjacent properties.
 6. Complete engineering plans and specifications of the proposed campground showing:
 - a. The area and dimensions of the entire tract of land.
 - b. The number, location, and size of all lots intended for use by recreational vehicles or tents.
 - c. The number, location, and size of all unimproved, partially improved, and fully improved lots.
 - d. The location, right-of-way and surfaced roadway width, and surfacing material of roadways and walkways.
 - e. The location of proposed interior vehicular and pedestrian circulation patterns.
 - f. The location of service buildings, sanitary stations, and any other existing or proposed structures.
 - g. The location of water and sewer lines.
 - h. Plans and specifications of all buildings constructed or to be constructed within the campground.
 - i. Plans and specifications of the water supply, refuse and sewage disposal facilities, and pet exercise and sanitation areas.
 - j. The location and details of lighting and electrical systems.
 - k. The location of fire hydrants, if provided.
 - l. Location of all drainage easements shall comply with County drainage plans.
 - m. Quantity and point or area of departure of stormwater runoff prior to and subsequent to construction of the proposed RV park. Engineering plans and calculations for these measurements shall be in compliance with the County soil and erosion ordinance (see section 8-4-5 of this title).
 - n. Erosion control and landscaping plan.
 - o. The County ASCS Soils Report.

p. The calendar months of the year during which the applicant will operate the proposed campground.

B. Site Plan:

1. Information Required: Every application for the construction, operation, maintenance, and occupancy for a campground shall be accompanied with plans and specifications, fully setting out the RV spaces, the position of each RV, motor vehicle parking spaces, the driveway giving access thereto, and a plan of landscaping.

2. Review: Before any permit is issued for a campground and the use thereof, the plans and specifications shall be reviewed by the Grundy County Zoning Board of Appeals taking into account all the provisions set out herein, as well as such special use provisions specified in section 8-2-5-3, "Campgrounds And Recreational Vehicle Parks", of this title. Additional requirements may be imposed by the County Board, the Zoning Board of Appeals, and the Land Use Committee. Further, all plans and specifications must be in accordance with State regulations governing campgrounds. (Ord. 2018-012, 6-12-2018)

C. Phased Developments: Where a campground development is proposed for construction in a series of stages, a master plan for the development of the entire tract of land shall be submitted along with the detailed plans and specifications for the initial stage, as well as any subsequent stages.

D. Issuance Of Permit: After receiving approval as a special use, the Land Use Department may issue a permit based upon the review and the requirements set forth in section 8-14-6, "Special Use Permits", of this title. (Ord. 10-001, 1-12-2010)

8-11-3: HEALTH AND SANITATION REQUIREMENTS:

A. Application Of State Regulations: Health and sanitation requirements shall be based upon the requirements of the State rules and regulations for recreational areas, effective October 29, 1980, as amended.

B. Garbage, Refuse, And Litter:

1. The storage, collection, and disposal of refuse shall be performed so as to minimize accidents, fire hazards, air pollution, odors, insects, rodents, or other nuisance conditions. Durable, watertight, easily cleanable refuse containers, sufficient to contain all the refuse, shall be provided at each service building and sanitary waste station or at a central storage area readily accessible and located not more than three hundred feet (300') from any camp or picnic site unless provided at campsite lots. Refuse containers shall be provided at the rate of eight (8) cubic feet (60 gallons) for each five (5) campsites or the equivalent thereof. Containers shall be covered with close fitting, flytight covers.

2. The park or campground must maintain litter control and refuse collection so as to prevent litter or refuse from blowing onto or otherwise being deposited on nearby agricultural lands.

3. Insects and rodents shall be controlled by elimination of breeding and harborage sources, proper sanitary practices, extermination, vermin proofing of buildings, and other approved control methods.

C. Food Service: Food service facilities or activities must meet requirements and recommendations of the health department. (Ord. 10-001, 1-12-2010)

8-11-4: SERVICE BUILDINGS AND ACCESSORY USES:

A. Permitted Buildings And Uses: Service buildings and accessory uses may be permitted for some classes of parks or campgrounds. Permitted accessory buildings and uses are as follows:

1. Classes A, B, C, D, E, F, and G:

- a. Management offices, repair shops for park equipment, and storage areas.
- b. One dwelling unit is permitted and required in classes E, F, and G for the manager or owner exclusively for seasonal use.
- c. Sanitary facilities, including toilets and showers.
- d. Store, for use by campers and daily users only.

2. Classes A, B, C, D, and E:

- a. Laundry facilities.
- b. Picnic shelters.

3. Classes A, B, C, and D:

- a. Indoor recreation facilities, not to exceed three thousand (3,000) square feet.
- b. Management residence; each recreational vehicle park or campground in class A, B, C, or D may have two (2) dwellings for residential purposes of the owner and/or manager.

4. Classes A, B, and C:

- a. Indoor recreational facilities not to exceed six thousand (6,000) square feet.
- b. Swimming facilities, indoor and outdoor.

B. Special Uses: Other special uses may be granted for classes A, B, C, and D as provided by the county board. These may include, but are not limited to:

1. Marinas.
2. Miniature golf or regulation golf courses.
3. Snack shops.
4. Stables or corrals.
5. Theaters.

C. Structural Requirements: All service buildings, recreational buildings, and accessory use buildings shall be constructed to meet the Grundy County building code. "Recreational vehicles", as defined in chapter 16, "Definitions", of this title, shall not be used for accessory purposes in connection with the park or campground.

D. Signs: Commercial uses supplying foods or services for the exclusive use of campers and/or daily users may have signs for identification purposes only. Signs or advertising must not be visible from outside the park, and signs may be restricted in size by the land use department. (Ord. 10-001, 1-12-2010)

8-11-5: RECREATIONAL AREAS:

In all campgrounds, there shall be one or more recreational areas which shall be easily accessible to all campers and/or picnickers. Recreational areas shall be so located as to be free of traffic hazards and should, where the topography permits, be centrally located. (Ord. 10-001, 1-12-2010)

8-11-6: STREET SYSTEM, PARKING, AND PEDESTRIAN ACCESS:

A. Street System:

1. All recreational vehicle parks shall be provided with safe and convenient vehicular access from abutting streets or roads to each lot. Such access shall be provided by streets, driveways, or other means. No on street parking shall be allowed.

2. All recreational vehicle parks shall be provided with safe and convenient vehicular access from an improved public street or road. It shall be the responsibility of the applicant to provide the necessary access in all cases where there is no existing improved street or road connecting the recreational vehicle park site with an improved existing public street or road. The county highway department shall approve all access and entrance locations and improvements before the issuance of a permit.

3. Entrances to recreational vehicle parks and campgrounds shall be designed to minimize congestion and hazards and allow free movement of traffic on adjacent streets. All park entrance streets shall be a minimum of twenty four feet (24') in width to their first point of intersection with a minor park street and have a six inch (6") gravel base.

4. Collector streets shall have a minimum roadway of not less than twenty feet (20') in width with a dust controlled surface which will include a six inch (6") gravel base.

5. Minor streets shall have a minimum width roadway of not less than eighteen feet (18').

B. Off Street Parking: Off street parking areas shall be provided for the use of campers and daily users. Parking spaces shall be provided for not less than 2.25 cars per recreational vehicle lot. Required parking spaces may include one car space on a recreational vehicle lot and, in addition, shall include a sufficient number of parking spaces off street to bring the total number of parking spaces up to the required 2.25 car spaces per lot. Each parking space shall be not less than ten feet (10') wide and twenty feet (20') deep and shall be surfaced for its entire area with a dust palliate.

C. Pedestrian Access: All parks shall be provided with safe, convenient pedestrian access of adequate width for intended use between individual lots, the park streets and all service buildings and accessory facilities provided for campers. (Ord. 10-001, 1-12-2010)

8-11-7: INDIVIDUAL SPACE REQUIREMENTS:

A. All recreational vehicles and tents shall not be located along park boundaries so as to cause an adverse impact to adjoining properties. A fifty foot (50') setback or greater shall be imposed with a reasonable increase in plantings and/or berms which shall be required in order to lessen the impact to adjoining properties affected.

B. All recreational vehicles and tents shall be located at least ten feet (10') from a minor street and twenty five feet (25') from a collector street or entrance street.

C. All recreational vehicles and tents shall be located at least thirty feet (30') from a body of water.

D. Recreational vehicles and accessory structures must be separated from one another by at least ten feet (10') in all directions. (Ord. 10-001, 1-12-2010)

8-11-8: ENVIRONMENTAL, OPEN SPACE, AND ACCESS REQUIREMENTS:

A. General Requirements: Conditions of soil, groundwater level, drainage, and topography shall not create hazards to the property or the health, safety, or welfare of the occupants. The site shall not be exposed to objectionable smoke, noise, odors, or other adverse influences, and no portion subject to flooding, subsidence, or erosion shall be used for any purpose which would expose persons or property to hazards.

B. Screening And Barriers:

1. The park or campground must be screened from nearby agricultural uses by a vegetative buffer. The width of the buffer should vary in proportion to the maximum campground or park population up to a maximum of three hundred feet (300') and, depending upon the site specific relationship with adjacent contiguous development, the buffer may vary.

2. The periphery of the park or campground, except at designated access roads, must be completely enclosed by a barrier or other enclosure which will not permit people or farm animals to pass through it.

3. Adequate screening and/or fencing shall be provided along the boundaries and public roads adjoining the site.

C. Soil And Ground Cover Regulations: Exposed ground surfaces in all parts of every campground shall be covered with stone screening or other solid material or protected with a vegetative growth that is capable of preventing soil erosion and of eliminating objectionable dust, except pathways and baseball diamond areas, depending upon the site specific nature of the area and upon the review of the county board. Compliance with section 8-4-5 of this title, is required.

D. Site Drainage; Preservation Of Waters And Natural Features:

1. Site Drainage And Slopes:

a. The ground surface in all parts of every recreational vehicle park or campground shall be graded and equipped to drain all surface water in a safe, efficient manner.

b. Stormwater runoff shall be limited to the rate which would occur under natural conditions.

c. Areas with slopes greater than fifteen percent (15%) are to be retained in permanent open space.

2. Floodplain Areas: All lands classified as floodplain shall remain in permanent open space.

3. Forests: No more than twenty percent (20%) of any forest shall be cleared or developed, and the remaining eighty percent (80%) shall be retained in permanent open space unless the county soil and water conservation service reviews and recommends more than twenty percent (20%) of the forest area to be cleared.

4. Waterways And Wetlands:

a. All ponds, wetlands, and watercourses shall be left in permanent open space, and no dredging, filling, or diversion of water shall be permitted.

b. All ponds, wetlands, and watercourses are to be protected from erosion and sedimentation in accordance with section 8-4-5 of this title.

5. Scenic View Protected: Scenic views from public highways or adjoining lands must be maintained.

E. Bulk Requirements:

1. Size Of Park Or Campground: The size of each recreational vehicle park or campground shall be regulated according to the following classes:

Class A	500 acres
Class B	300 - 500 acres
Class C	100 - 300 acres
Class D	25 - 100 acres
Class E	10 - 25 acres
Class F	5 - 10 acres
Class G	3 - 5 acres

2. Lot Area: Every RV or tent shall be located on a lot having a minimum area of one thousand five hundred (1,500) square feet, except for a recreational vehicle with a gross floor area of more than three hundred twenty (320) square feet; then the minimum lot area is six thousand (6,000) square feet.

3. Required Separation Of Vehicles And Structures: Recreational vehicles shall be separated from neighboring units and from any buildings or structures by at least ten feet (10') which shall be maintained unobstructed. Any accessory buildings shall be separated from RVs, tents, and all other buildings or structures by at least twenty feet (20') and shall be located no closer than ten feet (10') from any lot line.

4. Density: Density shall vary according to classes and shall be based on total acreage minus the acreage of any body of water larger than one hundred twelve (112) acres.

Class A	An overall density of 6 lots per acre
Class B	An overall density of 7 lots per acre
Class C	An overall density of 8 lots per acre
Class D	An overall density of 8 lots per acre
Class E	An overall density of 9 lots per acre
Class F	An overall density of 9 lots per acre
Class G	An overall density of 10 lots per acre

5. Recreational Areas: A certain percentage of the gross acreage of a recreational vehicle park or campground shall be provided for recreational use, generally provided in centralized locations or in areas with natural recreational amenities and shall include suitable landscaping. Requirements for recreational areas vary according to classes and, for computation, all water would be included in the percent of gross acreage.

Class A	50 percent of the gross acreage shall be provided
Class B	45 percent of the gross acreage shall be provided
Class C	40 percent of the gross acreage shall be provided
Class D	35 percent of the gross acreage shall be provided
Class E	30 percent of the gross acreage shall be provided
Class F	25 percent of the gross acreage shall be provided
Class G	25 percent of the gross acreage shall be provided

F. Primitive/Group Camping: Primitive/group camping may be permitted for some classes of recreational vehicle parks or campgrounds. Group camping areas must be identified as such on the plot plan in the application for permit and must meet the following standards:

1. Group camping areas shall contain at least one acre in area.
2. Group camping shall contain at least one toilet facility conveniently located.
3. Group camping areas shall not contain more than thirty (30) RVs and/or tents.
4. Group camping shall not be permitted within seventy five feet (75') of any park boundary.
5. Primitive/group camping shall be allowed in designated areas.

G. Daily Use:

1. Daily use of the recreational vehicle or campground for classes D, E, F, and G are subject to the following restrictions:

- a. Daily use is limited to guests or visitors of registered campers only.
- b. Daily users must register with the park management.

2. Daily use for class C is subject to the following restrictions:

- a. Campers are permitted to have four (4) guests daily, provided the daily users register as such with the park management.
- b. Picnicking is permitted as a daily use until sundown. Picnickers must register as daily users with the park management.

3. Daily use for classes A and B is subject to the following restrictions:

- a. All daily users must register as such with the park management.
- b. The total number of users registered at any point in time cannot exceed the number of permitted lots for that park or campground.

H. Minimum Development For Occupancy: For classes A, B, and C, the minimum number of spaces completed and ready for occupancy before first occupancy is permitted shall be twenty percent (20%) of the total spaces proposed to be developed. (Ord. 10-001, 1-12-2010)

8-11-9: FIRES:

- A. Fires will be permitted only in facilities which have been provided for such purposes or where open fires are allowed.
- B. Fireplaces, fire pits, charcoal braziers, wood burning stoves, or other cooking facilities shall be located, constructed, maintained, and used to minimize fire hazard and smoke nuisance in the campground and the neighboring properties.
- C. No fire shall be abandoned, left unattended, or allowed to become a hazard to trees, vegetation, camping equipment, or adjacent campsites.
- D. Fires shall be completely extinguished before the campsite is vacated.
- E. No fuel shall be used and no material burned which emits dense smoke or objectionable odors. (Ord. 10-001, 1-12-2010)

8-11-10: RESPONSIBILITIES OF PARK MANAGEMENT:

A. Compliance With Provisions; Supervision: The person to whom a permit for a recreational vehicle park or campground is issued shall operate the park in compliance with this chapter and shall provide adequate supervision to maintain the park, its facilities, and equipment in good repair and in a clean, sanitary condition.

B. Information To Registrant: The park management shall give to each park registrant a copy of this section and section 8-11-11, "Responsibilities Of Park Users", of this chapter, for his or her inspection and may offer other applicable provisions of this chapter.

C. Register Kept: The park management shall maintain a register containing the names, addresses, make of car, and license plate number of all campers and daily users. Such register shall be available to any authorized person inspecting the park.

D. Noise Control: The park management shall be responsible for controlling noise within the park to levels which do not exceed the state EPA rules and regulations. Quiet time shall be observed from eleven o'clock (11:00) P.M. to seven o'clock (7:00) A.M.

E. Pets: The park management shall adopt and enforce regulations prohibiting campers' and daily users' pets from running at large, committing a nuisance, or otherwise disturbing other campers or residents in the county.

F. Telephone Services: The park management shall provide one public telephone for each four hundred (400) lots or portion thereof. Individual camper telephone or mail service shall be prohibited.

G. Lease Or Rental Of Vehicles Or Tents Prohibited: The park management shall not offer for lease or rent any recreational vehicle or tent. (Ord. 10-001, 1-12-2010)

H. Restrictions On Use Of Vehicles Or Tents:

1. No RV or tent shall be used for business purposes.
2. No RV or tent shall be used as a permanent place of abode or dwelling. Continuous occupancy is permitted for a maximum duration of time from April 1 to November 1. (Ord. 2012-030, 9-11-2012)

8-11-11: RESPONSIBILITIES OF PARK USERS:

A. Compliance With Provisions; Clean, Sanitary Conditions: The camper or picnicker shall comply with all applicable requirements of this chapter and shall maintain his lot, its facilities, and equipment in good repair and in a clean and sanitary condition.

B. Proper Installation Of Equipment And Utility Connections: The camper shall be responsible for proper placement of his recreational vehicle on its stand or his tent in its proper location and proper installation of any utility connections in accordance with the instructions of the park management.

C. Pets: Pets, if permitted in the park, shall be prohibited from running at large or committing any nuisance.

D. Garbage And Refuse: The camper or picnicker shall store and dispose of all his refuse and garbage in a clean, sanitary, and safe manner and in containers. (Ord. 10-001, 1-12-2010)

8-11-12: ACCESS FOR REPAIRS AND MAINTENANCE:

It shall be the duty of every camper or picnicker in the park to give the owner thereof or his agent or employee access to any part of such recreational vehicle park at reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with this chapter and to facilitate inspections. (Ord. 10-001, 1-12-2010)

8-11-13: INSPECTIONS:

A. Inspection Authorized: The zoning officer is hereby authorized to make such inspections as are necessary to determine satisfactory compliance with this chapter.

B. Entry Powers:

1. The zoning officer shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this chapter.

2. It shall be the duty of the park management to give the zoning officer free access to all lots and other areas at reasonable times for the purpose of inspection.

C. Inspection Of Register: The zoning officer shall have the power to inspect the register containing a record of all campers and picnickers of the park. (Ord. 10-001, 1-12-2010)

NONCONFORMING STRUCTURES, USES, AND LAND

SECTION:

8-12-1: Purpose

8-12-2: Continuation Of Nonconformities

8-12-1: PURPOSE:

The purpose of this chapter is to provide for the regulation of nonconforming uses, buildings, and structures, and to specify those circumstances and conditions under which those nonconforming buildings, structures, and uses may be continued. (Ord. 10-001, 1-12-2010)

8-12-2: CONTINUATION OF NONCONFORMITIES:

Any building, structure, or use which existed lawfully at the effective date hereof and which becomes nonconforming upon the effective date hereof or any subsequent amendment hereto may be continued only in accordance with the following regulations:

A. Repairs And Alterations: Ordinary repairs and alterations may be made to a nonconforming building or structure provided that no structural alterations shall be made in or to such building or structure, except those required by law, or except to make the building or structure and use thereof conform to the regulations of the district in which it is located. Ordinary repairs and alterations shall be determined by the zoning officer and shall include, among other things, the replacement of storage tanks where the safety of operation of the installation requires such replacement.

B. Additions And Enlargements:

1. A nonconforming building or structure shall not be added to or enlarged in any manner unless such nonconforming building or structure and use thereof, including all additions and enlargements thereto is made to conform to all the regulations of the district in which it is located.

2. A nonconforming building or structure which is nonconforming only as to bulk may be added to or enlarged, provided such additions or enlargements conform to all regulations of the district in which it is located.

C. Moving Buildings Or Structures: No nonconforming building or structure, shall be moved in whole or in part to any other location unless every portion of such building or structure, and the use thereof, are made to conform to all regulations of the district in which the moved building is to be located.

D. Restoration Of Damaged Buildings Or Structures: A nonconforming building or structure or portion thereof, which is destroyed or damaged by fire or other casualty or act of nature to the extent that the cost of restoration to the condition in which it was before the occurrence will exceed sixty percent (60%) of the total cost of reconstructing the building or structure, shall not be restored unless said building or structure and the use thereof shall conform to all regulations of the district in which it is located except that an existing nonconforming residential use and building in any district is permitted to be restored within one year to the condition in which it was before destruction, and it must conform to all other regulations of the district in which it is located. However, if the damage is less than sixty percent (60%) of the cost of reconstructing the building or structure, no repairs or restoration shall be made unless such work is started within one year from the date of partial destruction.

E. Change Of Use: The nonconforming use of a building or structure, or portion thereof, may be changed to a use permitted in the district in which the building or structure is located; however, once a use is changed to a conforming use, such building or structure shall not thereafter be used for a nonconforming use.

F. Nonconforming Use Of Conforming Buildings Or Structures: The existing nonconforming use of a part or all of a conforming building or structure may be continued subject to the following provisions:

1. The nonconforming use of a part of such building or structure shall not be expanded or extended into any other portion of such building or structure nor changed to any other nonconforming use.

2. If a nonconforming use of such a building or structure is discontinued or abandoned for a period of six (6) consecutive months, it shall not be renewed, and any subsequent use of such building or structure shall conform to the use regulations of the district in which the premises are located.

3. Any lawful nonconforming use in a conforming building or structure existing in a residential district on the effective date hereof, or any amendments hereto, shall be entirely discontinued within ten (10) years from the effective date hereof, or any amendments hereto.

G. Nonconforming Use Of Land: The nonconforming use of land not involving a building or structure, or in connection with which any building or structure thereon is incidental or accessory to the principal use of land, or land used for parking or storing one or more trailers may be continued subject to the following provisions:

1. Such nonconforming use of land shall not be expanded or extended beyond the area it occupied on the effective date hereof, or changed to another nonconforming use, and no additional trailers shall be brought onto such nonconforming use of land, except that any trailer existing on said land on the effective date hereof may be replaced.

2. If such a nonconforming use of land is discontinued or abandoned for a period of six (6) consecutive months, it shall not thereafter be renewed, and any subsequent use of such land shall conform to the regulations of the district in which the land is located.

3. Where the nonconforming use of land is accessory to the nonconforming use of a building or structure, it shall be discontinued on the same date as the nonconforming use of the building or structure.

H. Conversion To Special Use: Any legally nonconforming building, structure, or use may be converted to a special use as authorized by chapter 2, "Permitted Uses", of this title. This conversion may occur only when it is shown that the nonconforming building, structure, or use is providing a particular service to the residents of the county and that the use is not detrimental to the county as whole or to adjacent properties. (Ord. 10-001, 1-12-2010)

CHAPTER 13

ADMINISTRATIVE BODIES

SECTION:

8-13-1: Purpose

8-13-2: Summary Of Responsibility

8-13-3: Responsible County Bodies

8-13-3-1: County Board

8-13-3-2: Planning And Zoning Committee

8-13-3-3: Regional Planning Commission (Rep. by Ord. 2018-012, 6-12-2018)

8-13-3-4: Zoning Board Of Appeals

8-13-3-5: County Staff

8-13-4: External Bodies

8-13-4-1: Municipalities

8-13-4-2: Township Boards Of Trustees

8-13-1: PURPOSE:

This chapter establishes the responsibilities of decision making and administrative bodies identified by this title. This chapter does not attempt to recite all responsibilities granted under the State Enabling Act, only those required by this title. (Ord. 10-001, 1-12-2010)

8-13-2: SUMMARY OF RESPONSIBILITY:

The responsibility for major actions required by this title is set forth in this chapter. The following table 8-13-2, "Procedural Responsibilities", of this section, indicates responsibility. A group may have more than one responsibility, such as holding a public hearing in addition to taking action. Further, regardless of the appeal notation, all decisions may be appealed to the courts in accordance with State and Federal law.

TABLE 8-13-2

PROCEDURAL RESPONSIBILITIES

Type Of Action	County Board	Land Use Committee	Zoning Board Of Appeals	Staff
Type Of Action	County Board	Land Use Committee	Zoning Board Of Appeals	Staff
Discretionary:				
UDO text amendment	D	R	H, R	R
Zoning map amendment	D	R	H, R	R
Special use	D	R	H, R	R
Zoning variance	-	-	H, D	R
Ministerial:				
Subdivision plat review	D	R	R	R
Site development permit	-	-	-	D
Variation - plat/land development	D	R	R	R
Administrative review permit:				
Limited use	-	-	A	D
Certificate of compliance	-	-	A	D
Certificate of occupancy	-	-	A	D
Floodplain development permit	-	-	A	D
Appeals:				
Interpretation	-	-	A	D
Appeal	-	-	H, D	R

R = The body makes recommendations to the decision makers.

H = The body must hold a public hearing.

D = The body makes the final decision.

A = The body hears an appeal to the decision.

(Ord. 2018-012, 6-12-2018)

8-13-3: RESPONSIBLE COUNTY BODIES:

8-13-3-1: COUNTY BOARD:

A. General: The County Board shall have all powers conferred upon it by Illinois Statutes and the Grundy County Charter. With respect to development approval and amendments to this title and the County's comprehensive plan, the County Board retains and shall exercise the powers set out in this section.

B. Approvals: The County Board shall decide on the following applications after a public hearing is held and after reports and recommendations are provided by the County staff, Zoning Board of Appeals and the Land Use Committee:

1. Amendments to the text and maps within the comprehensive plan.
2. Text amendments to this title.

3. Amendments to the official zoning map.
4. Special use permit approvals.
- C. Staff: The County Board shall hire staff when necessary and shall designate the Director, Land Use Department.
- D. Appointments: The County Board shall appoint the Zoning Board of Appeals members. (Ord. 2018-12, 6-12-2018)

8-13-3-2: PLANNING AND ZONING COMMITTEE:

In exercising its powers, the County Board may under its own rules and regulations establish a Planning and Zoning Committee, also referred to as the "P&Z Committee", which is made up of members of the County Board appointed by the Chairman. It shall act as a facilitator to the full County Board in all planning and development related matters.

- A. Approval Of Actions: The P&Z Committee shall review and recommend actions to the County Board for the following approval process functions:
 1. UDO text amendment.
 2. Zoning map amendment.
 3. Special use approval.
 4. Major subdivision preliminary and final plat approval.
 5. Minor subdivision final plat approval.
- B. Staff Oversight: It shall serve as the Oversight Committee of the Building and Zoning, and Planning Offices of the Land Use Department.
- C. Fee Schedules: It shall recommend fee schedule changes to the County Board.
- D. Comprehensive Plan: After receiving the recommended comprehensive plan from the Planning Commission, the P&Z Committee shall place the document on file and recommend the resolution for adoption by the County Board. (Ord. 10-001, 1-12-2010)

8-13-3-3: REGIONAL PLANNING COMMISSION:

(Rep. by Ord. 2018-012, 6-12-2018)

8-13-3-4: ZONING BOARD OF APPEALS:

The Grundy County Zoning Board of Appeals shall be maintained in accordance with Illinois Statutes. It may also be referred to as the "Zoning Board".

- A. Membership And Compensation: The Grundy County Zoning Board of Appeals shall consist of seven (7) members appointed by the Chairman of the County Board subject to confirmation by a majority of the full County Board.
 1. Residency: All members shall be residents of separate townships at the time of their respective appointments.
 2. Compensation: Members of the Zoning Board may receive compensation in an amount that is established by the County Board.
- B. Terms:
 1. Each member shall serve a five (5) year term and may be reappointed. These terms shall be staggered so that one member's term shall expire each year.
 2. Vacancies occurring other than through the expiration of terms shall be filled for the unexpired term in the same manner as the original appointment.
 3. Members of the Zoning Board who are already seated as of the effective date hereof shall continue to serve out their respective terms.
- C. Removals: The Chairman of the County Board shall have the power to remove any member of the Zoning Board for cause, after a public hearing.
- D. Officers:
 1. One of the members of the Zoning Board of Appeals shall be designated by the County Board as Chairman at the time of his/her appointment.
 2. In the case of a vacancy, the Chairman of the County Board shall designate a new Chairman, which shall be confirmed by a majority vote of the County Board present and voting on the matter.
- E. Rules:
 1. All meetings of the Zoning Board of Appeals shall be held at the call of the Chairman and at such times and places within the County as the Zoning Board of Appeals may determine.
 2. All meetings shall be open to the public.
 3. The Zoning Board, or designated staff member, shall keep minutes of its examinations, proceedings, and other official business that indicate the vote of each member upon every question or, if absent or failing to vote, indicating such fact.
 4. The Chairman, or in his/her absence the Vice Chairman, may administer oaths and compel the attendance of witnesses.
- F. Powers And Duties: The Zoning Board shall have the following authority:
 1. Ordinance Amendments: The Zoning Board shall hear applications for amendments to this title, as provided for in sections 8-14-8, "Ordinance Text Amendments", and 8-14-9, "Map Amendments", of this title, report its findings and recommendations to the County Board.
 2. Variances: The Zoning Board shall hear and approve or deny applications for variances to the density, bulk, yard, and height provisions of this title, as provided in section 8-14-7, "Variances", of this title.
 3. Special Use Permits: The Zoning Board shall hear applications for special use approvals and report its findings and recommendations to the County Board, in accordance with the provisions of section 8-14-6, "Special Use Permits", of this title.
 4. Appeals: The Zoning Board shall also hear and decide appeals from and review any order, requirement, decision, or determination made by

an administrative official charged with the enforcement of this title.

5. Subdivisions: The Zoning Board of Appeals shall review the preliminary and final plats of major or minor subdivisions or replats, shall recommend approval or disapproval to the Land Use Committee and shall provide a statement of reasons supporting its recommendation. (Ord. 2018-012, 6-12-2018)

8-13-3-5: COUNTY STAFF:

A. Director, Land Use Department:

1. Powers And Duties: The Land Use Department Director, also referred to as "Director", shall:
 - a. Administer and enforce, or share in the administration and enforcement of, the provisions of this title.
 - b. Oversee the policies and practices of the Building and Zoning, Planning and Environmental and Resource Conservation Offices of the Land Use Department. Supervisory staff of these offices shall report to the Director.
 - c. Have the authority to enter property to make inspections, as required to carry out necessary administration and enforcement.
 - d. Interpret and enforce the County comprehensive plan and confer with local authorities, land planners, and development specialists on Best County Land Use Practices.
 - e. Serve as the Plat Officer and may delegate these duties to department staff when deemed necessary.
2. Recommendations: The Director shall provide a recommendation with regard to all discretionary approvals.
3. Approvals: The Director shall overview the processes of the following types of applications:
 - a. Zoning clearance.
 - b. Special use permits.
 - c. Development plans.
 - d. Administrative variances.

B. Building And Zoning Officer: A staff member of the Land Use Department, also referred to as "Zoning Officer" or "Building Officer", and/or designee, may share in the administration and enforcement of all of the chapters of this title.

1. Powers And Duties: The Zoning Officer shall:
 - a. Have the authority to grant or deny building permits and/or occupancy permits and to enter property to make inspections necessary for the administration and enforcement of this title.
 - b. Act in accordance with the decisions of the County Board, Land Use Committee and Zoning Board of Appeals.
 - c. Review and prepare cases for minor subdivisions.
 - d. Supervise all aspects of building construction, limited and special use compliance, preparation of zoning map updates.
 - e. Provide input into UDO text amendments and adjustments to administrative procedures.
 - f. Report and confer with the Director, as needed.
2. Approvals: The Zoning Officer shall approve or deny building permits and other County regulations.

C. Development Review Committee:

1. Committee Established: A Development Review Committee is established, which is comprised of the following members:
 - a. Land Use Department Director.
 - b. County Highway Engineer.
 - c. Plats Review Engineer (consultant).
 - d. Director of Environmental Health.

D. Floodplain Administrator:

1. Appointment: The Floodplain Administrator is the Zoning Officer and Review Engineer.
2. Powers And Duties: The Floodplain Administrator shall administer section 8-4-5 of this title. (Ord. 2018-012, 6-12-2018)

8-13-4: EXTERNAL BODIES:

8-13-4-1: MUNICIPALITIES:

Any municipality within the County that has adopted a municipal zoning ordinance shall be notified of an application for a zoning map amendment, special use approval, variance, or subdivision if the land affected is located within 1.5 miles of its corporate limits.

A. Public Hearing Participation: A designated representative of the affected municipality may attend the scheduled public hearing and provide a written statement and testimony regarding the municipality's position regarding the proposed action.

B. Zoning Map Amendments: If the proposed action is a zoning map amendment, the affected municipality's written protest shall have the effect of increasing the required vote of approval by the County Board from a simple majority to a three-fourths ($\frac{3}{4}$) majority. (Ord. 10-001, 1-12-2010)

8-13-4-2: TOWNSHIP BOARDS OF TRUSTEES:

If a township located within the County has a Planning Commission and the Planning Commission objects to a proposed rezoning of property within that township or any UDO text amendment, the township Board of Trustees may submit a written protest of the proposed action. The effect of this protest shall be to increase the required vote of approval by the County Board from a simple majority to a three-fourths ($\frac{3}{4}$) majority. (Ord. 2018-012, 6-12-2018)

CHAPTER 14

PERMITS AND PROCEDURES

SECTION:

8-14-1: Purpose

8-14-2: General Procedures

8-14-2-1: Preapplication Conference

8-14-2-2: Applications

8-14-2-3: Application Completeness Review

8-14-2-4: Application Review

8-14-2-5: Notice Of Public Hearings

8-14-2-6: Public Hearings

8-14-2-7: Actions By Decision Making Bodies

8-14-2-8: Effect Of Approval

8-14-3: Zoning Certificates

8-14-3-1: Certificate Of Zoning Compliance

8-14-3-2: Certificate Of Occupancy

8-14-3-3: Temporary Use Permit

8-14-4: Site Development Permit

8-14-5: Administrative Review

8-14-6: Special Use Permits

8-14-7: Variances

8-14-8: Ordinance Text Amendments

8-14-9: Map Amendments

8-14-9-1: Agricultural Residential (AR) District Map Amendment

8-14-9-2: Planned Residential (PR) District Map Amendment

8-14-9-3: Residential (R) District Map Amendment

8-14-9-4: Commercial General (CG) District Map Amendment

8-14-9-5: Commercial Interchange (CI) District Map Amendment

8-14-9-6: Industrial (I) District Map Amendment

8-14-10: Subdivision Plat Procedures

8-14-10-1: Concept Plan

8-14-10-2: Minor Subdivisions

8-14-10-3: Major Subdivisions

8-14-10-4: Required Certificates

8-14-10-5: Recording

8-14-11: Interpretations

8-14-12: Appeals

8-14-1: PURPOSE:

This chapter establishes the procedures for all approvals, administrative reviews, and administrative relief required by this unified development ordinance. It also provides a guide to the steps of application review and development requests. (Ord. 10-001, 1-12-2010)

8-14-2: GENERAL PROCEDURES:

8-14-2-1: PREAPPLICATION CONFERENCE:

A preapplication conference is mandatory prior to submitting certain applications. The purpose of the preapplication conference is to familiarize the applicant with any county concerns and with this title's applicable provisions. Also, this conference permits the department to assess the proposal and identify any problems or concerns.

A. Initiation: An applicant shall request a date for the preapplication conference with the department. The request shall be accompanied by a description of the character, location, and magnitude of the proposed development and the type of approval sought. If a concept plan is required, then it should be brought to the preapplication conference.

B. Scheduling: After receiving the request for a preapplication conference, the department shall schedule and hold the preapplication conference. The department shall notify the applicant of the time, date, and place of the preapplication conference.

C. Conference Determinations: At the preapplication conference, the department shall review the material, make recommendations, and indicate concerns, problems, or other factors the applicant should consider in pursuing the proposal.

D. Written Summary: The department shall mail to the applicant a written summary of the preapplication conference and provide a copy of the planning and zoning calendar that lists applicable meeting times. (Ord. 10-001, 1-12-2010)

8-14-2-2: APPLICATIONS:

Applications shall be submitted to the department, along with the corresponding application fee on a form approved by the department.

A. Initiation: Unless otherwise indicated in this chapter, applications shall be submitted by the owner, an authorized agent, or any other person having a contractual interest in the land for which the use is proposed.

B. Consent To Inspection: Accompanying any application that would directly authorize land disturbance or construction shall be a signed statement of the applicant's consent to inspection of the premises by department staff, in order to ensure compliance with this title and conditions of approval. The applicant shall give a right of reasonable access to view, enter, and inspect the property at reasonable times until a certificate of occupancy (or its equivalent) is issued. (Ord. 10-001, 1-12-2010)

8-14-2-3: APPLICATION COMPLETENESS REVIEW:

The department shall determine if the application is sufficient and includes all data required or necessary to evaluate the application.

A. Notice To Applicant:

1. If the department determines the application is not sufficient, a written notice shall be mailed to the applicant specifying deficiencies.

2. When the application is determined sufficient, the department shall notify the applicant and begin the requisite reviews by forwarding the material to the appropriate recommending body or other staff, as appropriate. If a public hearing is required, the date shall be set to hear the application and the applicant notified in writing.

B. Additional Information: Nothing in this section shall limit the department's authority to require additional information deemed reasonably necessary following the determination that the application is sufficient. At any time during the review process, the department may require the applicant to provide additional information to thoroughly evaluate the application.

C. Rejection Of Successive Applications: A reapplication involving any land area for which a map amendment was denied within the prior twelve (12) months shall not be accepted by staff. An applicant who believes the intended amendment has merit may ask the county board to authorize the acceptance. However, the county board shall not authorize reapplication unless it finds there are changed circumstances or unless it finds that the new application addresses all the concerns that led to the earlier denial. (Ord. 10-001, 1-12-2010)

8-14-2-4: APPLICATION REVIEW:

A. Acceptance Of Complete Application: Upon receiving a complete application, the department shall forward it to the applicable body. As appropriate, the department shall also provide copies of the application to county, school, municipal, and state agencies for review and comment. The department shall evaluate the comments of reviewing agencies regarding the application.

B. Notice To Applicant: The department shall notify the applicant as to when it will review the plan. All department and reviewing agency comments shall accompany the notification.

C. Meetings: The department shall conduct meetings as needed with county and other reviewing agencies to review the application. The applicant shall be given an opportunity to respond to the comments on the plan.

D. Recommendations: Upon completion of the application review, the department shall prepare a written recommendation regarding the application. Such recommendation shall be sent to the recommending body(ies). A copy shall also be provided to the applicant. (Ord. 10-001, 1-12-2010)

8-14-2-5: NOTICE OF PUBLIC HEARINGS:

When a public hearing is required pursuant to this title, the department shall be responsible for scheduling the hearing and the applicant responsible for ensuring notice is properly provided.

A. Notice In Newspaper: Application shall be advertised in the legal notice section of a newspaper of general circulation in the township or road district in which the subject property is situated, as selected by the county board. Notice shall appear once at least fifteen (15) but not more than thirty (30) calendar days prior to the public hearing date and shall contain the following information:

1. The type of application sought, i.e., special use, variance, map amendment, or text amendment.

2. A short description of the proposed action requested.

3. A legal description of the parcel, the approximate street location or address, where possible, and a map of the area. If no street address is available, there shall be a reference to any well known landmark, highway, road, or intersection.

4. The name of the applicant and a statement indicating whether the petitioner or applicant is acting for himself or herself or as an agent, alter ego, or representative of a principal and the name and address of the principal.

a. If the applicant is a corporation, the correct names and addresses of all officers and directors of the corporation and of all stockholders or shareholders owning any interest in excess of twenty percent (20%) of all of the outstanding stock or shares of the corporation.

b. If the applicant is a business or entity doing business under an assumed name, the name and residence of all actual owners of the business or entity.

c. If the applicant is a partnership, joint venture, syndicate, or an unincorporated voluntary association; the names and addresses of all partners or members of the partnership, joint venture, syndicate, or unincorporated voluntary association.

5. The location, address, date, and time of the public hearing.

6. Information on where full details of the application may be obtained, including the location, hours, and telephone number.

The applicant will be responsible for the legal notices to be published.

B. Written Notice: The applicant shall provide written notice by certified mail to all owners of record of all residential property adjacent to the exterior boundary and within five hundred feet (500') of the subject property at least fifteen (15) but not more than thirty (30) calendar days prior to the public hearing. The notice shall contain:

1. The name of the applicant and type of application sought, i.e., special use permit, variance, or map amendment.
2. Short description of the proposed action requested.
3. A legal description of the parcel, the approximate street location or address, where possible, a map of the area, and the name of the person seeking the application.
4. The location, address, date, and time of the public hearing.
5. Information on where full details of the application may be obtained, including the location, hours, and phone number.
6. The applicant shall be responsible for providing the department with postal proofs of delivery, certifying that the notices were mailed and received. (Ord. 10-001, 1-12-2010)

8-14-2-6: PUBLIC HEARINGS:

The following rules apply to the conduct of hearings:

- A. Appearance: Any party may appear at a public hearing, submit evidence, and be heard. Any party may appear in person or by agent or attorney.
- B. Organizations: If the party represents an organization, the body conducting the hearing may request written evidence of that party's authority to speak on behalf of the group in regard to the current matter.
- C. Identification: Parties appearing at a public hearing shall identify themselves and state their name, address, and similar information about any organization they represent.
- D. Expert Witnesses: Citizens, applicants, and the county have the right to employ expert witnesses to represent them. (Ord. 10-001, 1-12-2010)

8-14-2-7: ACTIONS BY DECISION MAKING BODIES:

A. General: After the close of a public hearing, the administrative body conducting the hearing shall consider the application, relevant support materials, staff report, and public testimony given at the public hearing. The administrative body shall render a decision or recommendations, as appropriate, either to approve, approve with conditions, or disapprove the application based on this title and the factual evidence presented. Administrative decisions shall follow the same rules once a completed application is received.

- B. Time Limits: Action shall be taken as promptly as possible in consideration of the interests of the applicant and citizens.
- C. Written Orders And Recommendations: All decisions or recommendations shall be in writing and include the following:
 1. A clear statement of specific findings of fact and the basis upon which such facts were determined, with specific reference to this title's relevant standards.
 2. A clear statement of approval, approval with conditions, or disapproval. Conditions may only be required by the county on special uses, variances, or site plan approvals.
 3. Any other information deemed necessary by the decision making body. (Ord. 10-001, 1-12-2010)

8-14-2-8: EFFECT OF APPROVAL:

Approving any application shall be deemed to authorize only the particular use, plan, or other specific activity for which the application was issued. Approvals shall run with the particular land or, in some cases, with the applicant for which approval is given, unless otherwise stated in that approval. Exceptions are zoning text changes and land use interpretations, which will generally apply to more than one parcel of land.

A. Time Limitations: Permitted time frames for an approval shall apply to the applicant and any successive owner(s) of the property involved. Approval times shall expire, and the approval shall become null and void at the times indicated in table 8-14-2-8, "Time Limitations And Extensions", of this section, if any of the following occur:

1. A building permit has not been issued and construction has not commenced to establish the use authorized in the approval of the application.
2. The use does not require a building permit and is not established, ongoing, and in operation.

TABLE 8-14-2-8

TIME LIMITATIONS AND EXTENSIONS

Application Type	Time Limitation (Months)
Special use	12 ¹
Variance	6 ¹
Site plan review in the PR district	24
Preliminary subdivision plat	12
Final subdivision plat	12

Note:

1. Unless specified otherwise in the special use permit or variance approval. The approval may also specify periodic review, at which time the approval could be terminated.
- B. Approvals Not Subject To Time Limitations: Any approval not listed in table 8-14-2-8, "Time Limitations And Extensions", of this section, shall not expire upon a specified time limit. Such approvals shall continue in force until superseded by an ordinance change or specific action that alters them.
- C. Extensions: Upon written request, a onetime extension may be granted by the decision making body for a period not to exceed the original approval period for good cause shown.
 1. The department shall notify all applicants of a pending expiration two (2) months prior to that expiration date of the application.

2. No request for an extension shall be considered unless a written application requesting the extension is submitted to the land use department no later than one month prior to expiration.

3. Failure to submit an application for an extension within the time limits established by this section shall result in the approval's expiration as provided above.

D. Appeals: If there is an appeal or litigation during the time period specified in subsection A of this section, the time limitation shall be suspended until the appeal or litigation is complete. This section does not apply if the litigation is for violation of this title. (Ord. 10-001, 1-12-2010)

8-14-3: ZONING CERTIFICATES:

8-14-3-1: CERTIFICATE OF ZONING COMPLIANCE:

A certificate of zoning compliance may also be issued to a property owner or occupant as a means of validating conformity with this unified development ordinance to a financial institution or any other unit of government.

A. Application: The applicant shall provide sufficient detail on the proposed land use or improvements to enable the zoning officer to determine that the proposed occupancy and intensity in use of the structure will comply with the provisions of this unified development ordinance.

1. If the proposed parcel involves residential development, there must be an accompanying title search that demonstrates the original date and conditions associated with the split of that lot.

B. Approval: The zoning officer, within fifteen (15) working days following receipt of a complete application, shall approve and authorize or deny the issuance of a certificate of compliance.

1. If the application is denied, the zoning officer shall notify the person signing the application, in writing, of the findings.

2. The applicant may, within twenty (20) working days, either demonstrate that the application is in compliance or submit a revised application that is in compliance. (Ord. 10-001, 1-12-2010)

8-14-3-2: CERTIFICATE OF OCCUPANCY:

No new structure or change in use of an existing structure shall be occupied until a certificate of occupancy is issued by the zoning officer. A certificate of occupancy is normally issued after building construction or remodeling has been completed and the structure has passed all required inspections.

A. Application:

1. New construction: The zoning officer shall automatically issue a certificate of occupancy after all final inspections have successfully been completed.

2. Change in use or intensity of an existing structure: The applicant shall provide sufficient detail on the intended land use and configuration of premises to enable the zoning officer to determine that the intended use, parking, and other requirements of this title are being met.

B. Inspections: No occupancy permit for a change in use of an existing structure shall be granted until an on site inspection has been conducted by the zoning officer. The inspection shall be conducted to determine that the intended occupancy is permitted under the provisions of this title and that the building and site conforms to all district intensity, bulk, height, yard requirements, parking, and sign standards.

C. Approval: The zoning officer shall approve and authorize or deny the issuance of a certificate of occupancy within five (5) working days following receipt of a complete application.

1. If the application is denied, the zoning officer shall notify the applicant in writing of the findings.

2. In the event of a denial, the applicant may, within twenty (20) working days, either:

a. Modify the improvements to bring them into compliance, or

b. Submit a revised application for the improvements that is in compliance.

D. Effect: An approval shall be valid while the building, or portion of the building, is occupied and there is no change in principal use, increase in occupied space, intensification of activity, reduction in lot area, or reduction in the number of required off street parking spaces.

E. Temporary Occupancy: Temporary occupancies shall comply with the Grundy County building code. (Ord. 10-001, 1-12-2010)

8-14-3-3: TEMPORARY USE PERMIT:

Uses listed as temporary uses in section 8-2-2-1, "Table 8-2-2-1C, Temporary Uses", of this title, are allowed, subject to any limitations specified in section 8-2-4, "Administrative Review Use Standards", of this title. A temporary use permit may be issued, provided the use meets all other requirements of this title for setback and parking and receives approval of proposed signs from the zoning officer. Other specific requirements in section 8-2-6, "Temporary Uses", of this title, provide additional requirements such as hours of operation, duration of the activity, and requirements of other county agencies such as the sheriff and health department.

A. Application: The applicant shall provide sufficient detail on the proposed activity or event to enable the zoning officer to determine compliance with the provisions of this unified development ordinance.

B. Approval Criteria: All temporary uses shall be reviewed against the criteria provided in section 8-2-6, "Temporary Uses", of this title.

C. Determination: The zoning officer shall make a determination whether to approve, approve with conditions, or deny the permit within five (5) working days after the date of application. Any applicant denied a permit by the zoning officer shall be notified in writing of the reasons for the denial and of the opportunity to appeal the denial to the zoning board of appeals.

D. Effect: If approved, such approval shall thereafter be valid for the specified duration of the activity or event. (Ord. 10-001, 1-12-2010)

8-14-4: SITE DEVELOPMENT PERMIT:

Except as otherwise provided in this title, no person shall commence or perform any grading, stripping, excavating, or filling of land without having first obtained a site development permit from the department.

A. Exemptions From Permit: A site development permit shall not be required for any of the following activities. However, these activities are not exempt for other permitting requirements.

1. Development of a site of less than 2.5 acres for commercial or industrial use, provided that the person responsible for any such development shall implement necessary erosion and sedimentation control measures to satisfy the principles set forth in section 8-4-5 of this title.

2. Residential uses that do not require a site development permit include:

- a. Fencing;
- b. Garages or carports, attached or detached;
- c. Sheds and storage buildings for garden equipment and household items; and
- d. Terraces, patios, decks, and other accessory uses.

3. Excavation below final grade for the basement and footings of a single-family residence and appurtenant structures on a site in excess of five (5) acres for which a building permit has been issued by the county.

4. Agricultural use of land including the implementation of conservation measures included in a farm conservation plan approved by the soil and water conservation district, and including the construction of agricultural structures.

B. Application: Application for a site development permit shall be made by the owner of the property or his/her authorized agent to the department on a form furnished for that purpose.

1. Each application shall include the following:

- a. The name(s) and address(es) of the owner(s) or developer(s) of the site.
- b. Proof of land ownership and, if applicable, proof that a developer or agent is acting with the owner's permission.
- c. The name of any consulting firm retained by the applicant for the project.
- d. The name of the applicant's principal contact.
- e. A filing fee, amount available from the land use department.

2. Each application shall include certification that any land clearing, construction, or development involving the movement of earth shall be in accordance with the plans approved upon issuance of the permit.

3. To ensure technical validity, all applications should be signed and sealed by a licensed professional engineer.

C. Submission: Any applicant seeking approval of a site development permit shall submit to the department five (5) copies of the submittal materials specified in section 8-14-2, "General Procedures", of this chapter. The department shall declare the application as complete or incomplete within fourteen (14) days. If complete, the department shall forward copies to the development review committee.

D. Review: Each application for a site development permit shall be reviewed and acted upon according to the following procedures:

1. The development review committee will review each application for a site development permit to determine its conformance with the provisions of this chapter and other applicable federal and state requirements.

2. The department shall also refer any application to the county soil and water conservation district and/or any other local government or public agency within whose jurisdiction the site is located for review and comment.

E. Approval:

1. Within thirty (30) days after receiving an application, the department shall, in writing:

- a. Approve the permit application if it is found to be in conformance with the provisions of this chapter and issue the permit;
- b. Approve the permit application subject to such reasonable conditions as may be necessary to substantially secure the objectives of this chapter and issue the permit subject to these conditions; or
- c. Disapprove the permit application, indicating the deficiencies and the procedure for submitting a revised application and/or submission.

F. Conditions Of Approval: No site development permit shall be issued for an intended development site unless:

1. The development, including, but not limited to, subdivisions and planned unit developments, has been approved by the county where applicable; or
2. Such permit is accompanied by or combined with a valid building permit issued by the county; or
3. The proposed earthmoving is coordinated with any overall development program previously approved by the county for the area in which the site is situated.

G. Variances And Appeals:

1. In cases where strict compliance with the terms of this chapter would result in particular hardship and practical difficulty, the applicant may apply for a variance under the provisions of section 8-14-7, "Variances", of this chapter.

2. The decision of the department may be appealed in accordance with the provisions of section 8-14-12, "Appeals", of this chapter.

H. Expiration Of Permit: Every site development permit shall expire and become null and void if the work authorized by such permit has not been commenced within one hundred eighty (180) days or is not completed by a date specified in the permit. The department may, however, grant a reasonable extension of time if written application is made before the expiration date of the permit. Before this extension may be granted, the permittee must present satisfactory evidence that unusual difficulties have prevented work being commenced or completed within the one hundred eighty (180) day time limit.

I. Suspension Or Revocation Of Permit: The department may suspend or revoke the site development permit in the event of the following circumstances:

1. The person holding the site development permit violates the terms of the permit.
2. Site development is conducted in such a manner as to materially adversely affect the health, welfare, or safety of persons residing or working near the development site.
3. Site development is materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.

J. Stop Work Order: Suspension of a permit shall be by a written stop work order issued by the department and delivered to the permittee or

his/her agent or the person performing the work. The stop work order shall be effective immediately, shall state the specific violations cited, and shall state the conditions under which work may be resumed. (Ord. 10-001, 1-12-2010)

8-14-5: ADMINISTRATIVE REVIEW:

The department shall perform administrative use reviews, solely to determine whether the uses listed in section 8-2-2-1, "Land Use Tables", of this title and any applicable standards contained in section 8-2-4, "Administrative Review Use Standards", of this title, and any other applicable section of this title will be met by the proposed action. If the conditions have been satisfied, the criteria for approval shall be deemed met. A report noting all conditions have been met shall be attached to the file on the use's approval. (Ord. 10-001, 1-12-2010)

8-14-6: SPECIAL USE PERMITS:

There are other uses which may be necessary or desirable to allow in a given district but which, on account of their potential influence upon neighboring uses or public facilities, need to be carefully regulated with respect to location or operation for the protection of the community. Such uses are classified as "special uses". The inclusion of a special use provision in a zoning district does not constitute an authorization that such use will be approved. Rather, each proposed special use shall be evaluated by the conditions set forth in this title and a determination if it is consistent with the community character of the immediate vicinity of the parcel proposed for development. A special use may incorporate additional standards that ensure compatibility with the surrounding area. These additional standards may be imposed through this title or as assigned during the approval process. Special uses are approved by the County Board after a public hearing and recommendations by the Zoning Board of Appeals, and the Land Use Committee.

A. Initiation Of Special Use Permit Approval: Any person, firm, or corporation owning land, options to purchase land, or contract for purchase of land in the County's unincorporated jurisdiction may apply for a special use permit, provided that the intended special use is allowed within the zoning district in which the subject property is situated.

B. Preapplication Conference: A preapplication conference, as specified in section 8-14-2-1, "Preapplication Conference", of this chapter, is required.

C. Processing:

1. A special use permit application shall be filed with the Land Use Department, which shall forward copies to the Land Use Committee, and Zoning Board of Appeals.

2. The department shall schedule a public hearing by the Zoning Board of Appeals, to be held within ninety (90) days of receipt of a complete application.

D. Department Review: The department shall review the special use permit application and provide a written analysis to the Land Use Committee, and Zoning Board of Appeals. (Ord. 2018-012, 6-12-2018)

E. Planning Commission Workshop: (Rep. by Ord. 2018-012, 6-12-2018)

F. Zoning Board Of Appeals Meeting: The Zoning Board of Appeals shall complete the review and make a recommendation for approval or denial at a regularly scheduled meeting. The Zoning Board of Appeals' recommendation shall then be forwarded by the department to the Land Use Committee. (Ord. 2018-012, 6-12-2018)

G. Planning And Zoning Committee: The Planning and Zoning Committee shall review the application and recommend to the County Board that it be placed on file in its records.

H. County Board: The County Board shall place the application on file.

I. Zoning Board Of Appeals Public Hearing:

1. The applicant shall publish notification of the public hearing. The applicant shall provide direct mail notification to property owners and abutting property owners within five hundred feet (500'), in accordance with subsections 8-14-2-5A and B of this chapter, at least fifteen (15), but no more than thirty (30), calendar days before the date of the public hearing before the Zoning Board of Appeals. The applicant shall provide proof of notification to the Land Use Department.

2. The Zoning Board of Appeals shall conduct a public hearing on the proposed special use permit in accordance with section 8-14-2-6, "Public Hearings", of this chapter.

J. Recommendation Of The Zoning Board Of Appeals: After closure of the public hearing, the Zoning Board of Appeals shall submit a report of its findings and recommendations to the Planning and Zoning Committee.

1. The Zoning Board of Appeals shall base its recommendations on the provisions of section 8-2-5, "Special Use Standards", of this title, that apply to the intended special use and the district in which it is proposed.

2. In making its recommendation, the Zoning Board of Appeals shall also consider the health, safety, general welfare, neighboring uses, influence on road and traffic conditions, erosion of adjacent property, and water supply infringement.

3. The Zoning Board of Appeals may impose on the permit certain conditions and restrictions in addition to any conditions or requirements provided in section 8-2-5, "Special Use Standards", of this title.

K. Planning And Zoning Committee: The Planning and Zoning Committee shall meet to review the application and recommendation of the Zoning Board of Appeals and consider any public comments received since the application was placed on file. The committee may issue a recommendation of approval or denial to the full County Board or may refer it back to the Zoning Board of Appeals for further consideration.

L. County Board Decision: Upon receiving the recommendation of the Planning and Zoning Committee, the County Board shall act on the special use permit at its next regular meeting.

M. Effect:

1. No order of the County Board granting a special use permit shall be valid for a period longer than twelve (12) months from the date of such order, unless:

- a. The building permit or any other permit required has been issued and erection or alteration is started; or
- b. If a building permit is not required, the occupancy has begun within the twelve (12) month period.

2. Once the use has begun in a lawful manner, the special use permit shall apply to all current and future owners of the property, provided that all conditions imposed by the Zoning Board of Appeals on the special use permit continue to be met. (Ord. 10-001, 1-12-2010)

8-14-7: VARIANCES:

In cases where strict compliance with the terms of this title would result in unreasonable hardship and practical difficulty, the Zoning Board of Appeals may authorize a variance in height, lot area, and/or yard regulations. The Zoning Board of Appeals may act only in a manner so as to grant relief without substantial injury to the public health, safety, and general welfare.

A. Initiation Of Variance Approval: Any person, firm, or corporation owning land, options to purchase land, or contract for purchase of land in the County's unincorporated jurisdiction may apply for a variance.

B. Preapplication Conference: A preapplication conference, as specified in section 8-14-2-1, "Preapplication Conference", of this chapter, is optional.

C. Processing:

1. The Zoning Officer shall forward a copy of such application to the Director, Zoning Board of Appeals, and other County and governmental review agencies, as deemed appropriate.

2. The Zoning Officer shall schedule a public hearing by the Zoning Board of Appeals, to be held within ninety (90) days of receipt of a complete application.

D. Department Review: The department shall review the variance application and provide a written analysis to the Zoning Board of Appeals.

E. Public Hearing:

1. The applicant shall publish notification of the public hearing. The applicant shall provide direct mail notification to property owners and abutting property owners. Both actions shall be in accordance with subsections 8-14-2-5A and B of this chapter, fifteen (15) to thirty (30) days before the date of the public hearing before the Zoning Board of Appeals.

2. The Zoning Board of Appeals shall conduct a public hearing on the proposed variance in accordance with section 8-14-2-6, "Public Hearings", of this chapter.

3. The Zoning Board of Appeals may table and continue the hearing to later special or regularly scheduled meetings. It may also request the applicant to provide additional information regarding the variance request.

F. Decision Of The Zoning Board Of Appeals: After closure of the public hearing, the Zoning Board of Appeals shall approve, approve with conditions, or deny the variance. The concurring vote of three (3) members of the Zoning Board of Appeals is required to approve the variance or approve the variance with conditions.

1. The Zoning Board of Appeals shall not vary the regulations of this title unless it shall make findings based on the evidence presented to it in each specific case that:

- a. The plight of the owner is due to unique circumstances.
- b. The variation, if granted, will not alter the essential character of the locality.

2. For the purpose of implementing the above rules, the Zoning Board of Appeals shall also, in making its determination, establish whether there are practical difficulties or particular hardships and take into consideration the extent to which the following facts favorable to the applicant have been established by evidence:

- a. The particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship on the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.
- b. The conditions on which the petition for a variance is based would not be applicable, generally, to other property within the same zoning district classification.
- c. The purpose of the variance is not based exclusively on a desire to make more money out of the property.
- d. The alleged difficulty or hardship has not been created by the owner of the property or by a previous owner.
- e. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.
- f. The proposed variance will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

3. The Zoning Board of Appeals may impose on the permit certain conditions and restrictions on the premises benefited by a variance as may be necessary to reduce or minimize the injurious effect of such variation upon other property in the neighborhood and better carry out the general intent of this title.

G. Effect:

1. No order of the Zoning Board of Appeals granting a variance shall be valid for a period longer than six (6) months from the date of such order, unless the building permit or any other permit required within such period and erection or alteration is started, or the use is commenced within such period.

2. Once the use has begun in a lawful manner, the variance shall apply to all current and future owners of the property, provided that all conditions imposed by the Zoning Board of Appeals on the variance continue to be met. (Ord. 10-001, 1-12-2010)

8-14-8: ORDINANCE TEXT AMENDMENTS:

The text of this title may be amended from time to time by ordinance in accordance with the procedures outlined in section 8-13-2, table 8-13-2 of this title and Illinois Statutes. Amendments shall be granted by the County Board only after a public hearing before the Zoning Board of Appeals and after it has received a report of the Zoning Board of Appeals' findings and recommendations.

A. Initiation Of Amendment: Amendments may be proposed by the County Board; Land Use Committee; Zoning Board of Appeals; Land Use Department; or any person, firm, or corporation owning land or options to purchase land in the County's unincorporated jurisdiction.

B. Processing:

1. A proposed text amendment shall be filed with the department.

2. The department shall schedule a public hearing by the Zoning Board of Appeals, to be held within ninety (90) days of receipt of a complete application. Notification of the public hearing shall be in accordance with subsection 8-14-2-5A of this chapter, fifteen (15) to thirty (30) days before the date of the public hearing before the Zoning Board of Appeals.

C. Department Review: The department shall review the recommended text amendment(s) and provide a written analysis to the Land Use Committee, and Zoning Board of Appeals.

D. Zoning Board Of Appeals: The Zoning Board of Appeals shall meet to discuss the proposed text amendment(s) at its regularly scheduled meeting. It shall then provide a written recommendation, which shall be forwarded to the Land Use Committee by the Director. (Ord. 2018-012, 6-12-2018)

E. Planning And Zoning Committee: The Planning and Zoning Committee shall review the proposed text amendment(s) and recommend to the County Board that it/they be placed on file in its records.

F. County Board: The County Board shall place the amendment(s) on file.

G. Public Hearing:

1. The Zoning Board of Appeals shall conduct a public hearing on the proposed amendment(s) in accordance with section 8-14-2-6, "Public Hearings", of this chapter.

2. After closure of the public hearing, the Director shall submit to the Planning and Zoning Committee a report of the Zoning Board of Appeals' findings and recommendations.

H. Planning And Zoning Committee: The Planning and Zoning Committee shall meet to review the amendment(s) and recommendation of the Zoning Board of Appeals and issue a recommendation to the full County Board. The committee may issue a recommendation of approval or denial to the full County Board or may refer it back to the Zoning Board of Appeals for further consideration. (Ord. 10-001, 1-12-2010)

I. County Board Action:

1. Approval Or Denial: The County Board, upon recommendation by the Land Use Committee and without further public hearing, shall approve or deny the proposed text amendment(s) in accordance with applicable Illinois Statutes.

2. Township Protest: If any township located within the County has a Planning Commission and the Planning Commission objects to a text amendment, then the township Board of Trustees may submit its written objections to the County Board. The protest must be submitted within thirty (30) days after the Zoning Board of Appeals' advertised public hearing. If a protest is filed, the County Board may not adopt the amendment except by the favorable vote of at least three-fourths ($\frac{3}{4}$) of all members of the County Board.

3. Municipality Protest: In cases where a proposed text amendment would affect the regulation of land that lies within 1.5 miles of the limits of a zoned municipality, the elected body of that municipality may issue a written protest. If a protest is filed, the County Board may not adopt the amendment except by the favorable vote of at least three-fourths ($\frac{3}{4}$) of all members of the County Board. (Ord. 2018-012, 6-12-2018)

8-14-9: MAP AMENDMENTS:

As a County that has stated its intent to remain rural, there is little need for zoning map amendments. Development of suburban or urban residential uses should occur mainly within incorporated municipalities, where urban services can be provided. The Commercial General (CG) and Industrial (I) Districts primarily serve to ensure that existing nonresidential development in the unincorporated areas remain conforming. Thus, because the County does not provide public water and sewer, rezonings to this category will be rare. The Commercial Interchange (CI) District is intended to provide for commercial uses at interchanges that are outside of current municipal service areas; this district will seldom require expansion. The Agricultural Residential (AR) and Planned Residential (PR) Districts recognize that there may be circumstances where residential development in the unincorporated area may be acceptable if it fulfills specific County needs. Following are the procedures for a zoning map amendment:

A. Initiation Of Amendment: Map amendments may be proposed by the County Board; Land Use Committee; Zoning Board of Appeals; Land Use Department; or any person, firm, or corporation owning land or options to purchase land in the County's unincorporated jurisdiction.

B. Processing:

1. A proposed map amendment shall be filed with the Land Use Department.

2. The department shall schedule a public hearing by the Zoning Board of Appeals. Notification of the public hearing shall be in accordance with subsection 8-14-2-5A of this chapter, fifteen (15) to thirty (30) days before the date of the public hearing before the Zoning Board of Appeals.

C. Department Review: The department shall review the recommended map amendment(s) and provide a written analysis to the Land Use Committee, and Zoning Board of Appeals. A contributing factor in the analysis is the land evaluation site assessment (LESA) score, which assesses the lands that are most suitable for agriculture preservation. Higher scoring lands are recommended to remain as agricultural zoned areas.

D. Land Use Committee: The Land Use Committee shall review the proposed map amendment(s) and recommend to the County Board that it (they) be placed on file in its records.

E. County Board: The County Board shall place the map amendment(s) on file.

F. Public Hearing:

1. The applicant shall publish notification of the public hearing. The applicant shall provide direct mail notification to property owners and abutting property owners. Both actions shall be in accordance with subsections 8-14-2-5A and B of this chapter, fifteen (15) to thirty (30) days before the date of the public hearing before the Zoning Board of Appeals.

2. The Zoning Board of Appeals shall conduct a public hearing on the proposed amendment(s) in accordance with section 8-14-2-6, "Public Hearings", of this chapter.

3. After closure of the public hearing, the Director shall submit to the Land Use Committee a report of the Zoning Board of Appeals' findings and recommendations.

G. Land Use Committee: The Land Use Committee shall meet to review the map amendment(s) and recommendation of the Zoning Board of Appeals and issue a recommendation to the full County Board. The committee may issue a recommendation of approval or denial to the full County Board or may refer it back to the Zoning Board of Appeals for further consideration.

H. County Board Action:

1. Approval Or Denial: The County Board, upon recommendation by the Land Use Committee and without further public hearing, shall approve or deny the proposed map amendment(s) in accordance with applicable Illinois Statutes.

2. Property Owner(s): The owner(s) of at least twenty percent (20%) of the land to be rezoned may submit its written objection(s) to the County Board. The protest must be submitted within thirty (30) days after the Zoning Board of Appeals' advertised public hearing. If a protest is filed, the County Board may not adopt the map amendment(s) except by the favorable vote of at least three-fourths ($\frac{3}{4}$) of all members of the County Board.

3. Abutting Property Owner(s): The owner(s) immediately touching, or immediately across the street, alley, or public right-of-way from at least twenty percent (20%) of the perimeter of the land to be rezoned may submit its written objection(s) to the County Board. The protest must be submitted within thirty (30) days after the Zoning Board of Appeals' advertised public hearing. If a protest is filed, the County Board may not adopt the map amendment(s) except by the favorable vote of at least three-fourths ($\frac{3}{4}$) of all members of the County Board.

4. Township Protest: If any township located within the County has a Planning Commission and the Planning Commission objects to the map amendment, then the township Board of Trustees may submit its written objections to the County Board. The protest must be submitted within thirty (30) days after the Zoning Board of Appeals' advertised public hearing. If a protest is filed, the County Board may not adopt the map amendment(s) except by the favorable vote of at least three-fourths ($\frac{3}{4}$) of all members of the County Board.

5. Zoned Municipalities: In cases where a proposed map amendment would affect the regulation of land that lies within 1.5 miles of the limits of a zoned municipality, the elected body of that municipality may issue a written protest. The protest must be submitted within thirty (30) days after the Zoning Board of Appeals' advertised public hearing. If a protest is filed, the County Board may not adopt the map amendment(s) except by the favorable vote of at least three-fourths ($\frac{3}{4}$) of all members of the County Board. (Ord. 2018-012, 6-12-2018)

8-14-9-1: AGRICULTURAL RESIDENTIAL (AR) DISTRICT MAP AMENDMENT:

The Agricultural Residential (AR) District is carried over from the previous Grundy County zoning ordinance. As stated in section 8-1-4-2, "Agricultural Residential (AR) District", of this title, this district is provided to allow a limited amount of single-family residential development to take place on large lots in rural areas that are not well suited for agriculture. In order to assure that highly productive farmland is not affected, the following criteria must be established as a condition to rezoning land into this category:

A. Agricultural Use: A determination shall be made that the tract of land is not well suited for agricultural use by virtue of one or more of the following factors:

1. A substantial portion of the soils on the property is not classified as "prime agricultural soils" by the USDA, Natural Resources Conservation Service (NRCS).
2. The agricultural productivity of the property will not yield a reasonable return in comparison to the general level of return of other agricultural properties in the vicinity.
3. The topographic characteristics of the property make it unsuitable for agricultural use.

B. Nonagricultural Use: It shall be established that the nonagricultural use of the tract of land will not adversely affect agricultural uses in the neighborhood, by virtue of one or more of the following factors:

1. Residential dwellings will not be located where existing or future livestock, fertilizer, or grain drying operations may cause an incompatible relationship of uses.
2. Residential dwellings shall have direct access from local subdivision streets to a thoroughfare, which will be reasonably safe. Consideration shall be given to road dimensions, quality of surface, visibility, and adequacy of the road to serve a mix of traffic that includes farm vehicles and implements.
3. The property is physically separated from adjoining agricultural properties by significant natural or constructed features.
4. The property lends itself to sound residential development considering its existing and proposed topography, soil conditions, soil absorption, stormwater runoff provisions, and the availability of necessary services such as fire and police protection, schools, roads, electricity, sewage disposal, or water supply. (Ord. 10-001, 1-12-2010)

8-14-9-2: PLANNED RESIDENTIAL (PR) DISTRICT MAP AMENDMENT:

Residential sprawl is highly undesirable. The Planned Residential (PR) District is in this title as a floating zone, as no land was zoned planned residential when this title was adopted. All existing residential development was classified as Residential (R); a district that does not permit new rezonings. There are situations where, in the future, it may be in the best interest of the County to permit limited residential development in one of three (3) forms: recreational community, clustered development, and single-family residential subdivision. The provisions of section 8-1-4-3, "Planned Residential (PR) District", of this title, outline the rationale for each of these residential options. A zoning map amendment to the PR District shall be adopted only with the approval of a planned development for the specific development option. This section provides the standards upon which each of the map amendments must be judged.

A. All Residential Options: All residential rezoning shall meet the following criteria:

1. A special service district shall be created for all the districts to provide for the maintenance of common open space, stormwater systems, water or sewer systems and any recreation facilities.
2. The approval of a site development permit pursuant to section 8-14-4, "Site Development Permit", of this chapter.
3. The site's LESA score shall comply with the County's adopted land evaluation and site assessment system plan.

B. Recreational Community Planned Development: This type of planned development is intended as a recreation community with access to golf, equestrian, or other recreational open space areas being the purpose of the residential community. The following standards shall be met in granting approval of a rezoning to this use:

1. The site's topography shall be significantly influenced by river or stream corridors.
2. A comprehensive recreational theme for the development to use the required open space to create a community where use or visual access to the recreational areas shall be provided by the site plan. All residents shall have access to the recreational facilities by trails that can be used at any time of the day.

C. Conservation Development: The county cannot control annexation or the preservation of agriculture when a municipality makes large annexations. In order to protect the agricultural areas, the county preservation cluster places the farmlands in a conservation easement. When the county determines that allowing a higher density of residential development, in order to create a greenbelt around one of the municipalities, it may

determine that approving a conservation easement is in its best interest. The following criteria shall be met in granting a map amendment to the planned residential (PR) district to allow higher density conservation developments:

1. The site is outside the existing sewer service area and/or facility planning area of any municipality.
2. The site is not between two (2) or more municipalities, whose sewer service areas are less than two (2) miles apart.
3. Land further away from the urban service boundary is currently in agricultural use.
4. The agricultural open space creates a barrier to further expansion of development into agricultural areas. (Ord. 10-001, 1-12-2010)

8-14-9-3: RESIDENTIAL (R) DISTRICT MAP AMENDMENT:

Within areas of the county where there are existing residential (R) zoning districts, map amendments changing the zoning district to R may be acquired. However, the density and character of that rezoned area shall match the existing residential area such that the land use may be preserved within that area.

- A. Comprehensive Plan: The area shown shall be indicated for residential use in the Grundy County comprehensive plan; and
- B. Character: The character of the zoning district should be predominantly a single-family use.
- C. Contiguity: The property being considered for an R zoning shall be contiguous to existing residentially zoned parcels that are similar in density and character. (Ord. 10-001, 1-12-2010)

8-14-9-4: COMMERCIAL GENERAL (CG) DISTRICT MAP AMENDMENT:

No new commercial general (CG) district map amendments may be considered unless the area proposed is designated for future commercial use in the Grundy County comprehensive plan. (Ord. 10-001, 1-12-2010; amd. Ord. 2021-016, 6-8-2021)

8-14-9-5: COMMERCIAL INTERCHANGE (CI) DISTRICT MAP AMENDMENT:

Property that is adjacent to I-80 and I-55 interchanges (or future interchanges within the unincorporated areas of Grundy County) would be available for commercial development under this zoning district. As the intended uses would be those that motorists would use, some possible land uses would include, but would not be limited to, fueling stations, food establishments, and short term lodging.

- A. Comprehensive Plan: The areas proposed for commercial interchange are those areas designated on the comprehensive plan may for commercial use that are also adjacent to the current and future interchanges within the unincorporated areas of Grundy County.
- B. Character And Landscaping: The character of the site should be dominated by parking and allowances for the motorists. Landscaping should be used that will soften the impact of the development while enhancing the structures intended for the site.
- C. Infrastructure: The facilities for these uses shall be on site or shared facilities. (Ord. 10-001, 1-12-2010)

8-14-9-6: INDUSTRIAL (I) DISTRICT MAP AMENDMENT:

There are two (2) industrial areas associated with the county's nuclear power plants and along the Route 6 corridor. In general, new industry shall be encouraged to annex into the cities where sewer, water, and firefighting services suitable for these uses can be provided. Any rezoning to the industrial (I) district shall meet the following conditions:

- A. Comprehensive Plan: The area shown shall be indicated for industry in the Grundy County comprehensive plan; and
- B. Contiguity: The property shall either be contiguous to other industrially zoned land in the county or cities; or
 1. Be within five hundred feet (500') of industrially zoned land; or
 2. Be within one thousand feet (1,000') of industrially zoned land in two (2) directions and not separated by the Illinois River. (Ord. 10-001, 1-12-2010)

8-14-10: SUBDIVISION PLAT PROCEDURES:

8-14-10-1: CONCEPT PLAN:

At the request of the applicant, the zoning officer may conduct an informal review of a concept plan that is provided by the applicant.

- A. Preapplication Conference: Submittal of a concept plan shall take the place of the preapplication conference specified in section 8-14-2-1, "Preapplication Conference", of this chapter.
- B. Review Of Plan: The department may designate the subdivision review committee to review the concept plan.
- C. Contents: The applicant shall submit all items stipulated in section 8-6-2-1, "General Requirements", of this title, at least twenty (20) days before the concept plan meeting.
- D. Outcome Of Review: A written summary of the concept plan review shall be provided within fourteen (14) days of the concept plan review meeting, provided the applicant has paid the required fee. Neither the applicant nor the county shall be bound by the outcome of the concept plan review. (Ord. 10-001, 1-12-2010)

8-14-10-2: MINOR SUBDIVISIONS:

- A. Submission: Any applicant requesting approval of a proposed minor subdivision shall submit fifteen (15) copies of the items specified in section 8-6-2-1, "General Requirements", of this title, to the department. Applications for minor subdivisions shall include a combined preliminary and final plat submittal.
- B. Determination Of Completeness: The land use department shall declare the application complete or incomplete within seven (7) days of its receipt. An incomplete submission shall be immediately returned to the applicant with a list of missing items requiring completion before a submittal can be determined to be complete.
- C. Review And Approval Of Preliminary And Final Plat:
 1. Development Review Committee: The development review committee shall review the combined preliminary and final plat submittal of the proposed minor subdivision and make a recommendation to the planning and zoning committee. Other reviewers, such as the health department and the county's review engineer, shall participate in the review, as needed.
 2. Planning And Zoning Committee: The county board may schedule a meeting of its planning and zoning committee to review the application and provide its own recommendation on the application to the full county board.
 3. County Board: Upon receiving the recommendation of the planning and zoning committee, the full county board shall act on the minor

subdivision at its next regular meeting. The county board shall approve or reject the combined preliminary and final plat submittal of the proposed minor subdivision. (Ord. 10-001, 1-12-2010)

8-14-10-3: MAJOR SUBDIVISIONS:

A. Concept Plan Or Preapplication Conference: Submittal of a concept plan or participation in a preapplication conference, as specified in section 8-14-2-1, "Preapplication Conference", of this chapter, is mandatory.

B. Preliminary Plat:

1. Submission: Any applicant seeking approval of a preliminary plat shall submit to the department fifteen (15) copies of the materials specified in section 8-6-2-1, "General Requirements", of this title. The application shall be declared complete or incomplete by the Land Use Department, and copies shall be forwarded to members of the Subdivision Review Committee and other County and external review agencies as deemed appropriate.

2. Review And Recommendations:

a. Land Use Department: The Land Use Department shall review the application and shall comment and make recommendations to the Zoning Board of Appeals.

b. Zoning Board Of Appeals: The Zoning Board of Appeals shall review the application and shall recommend approval or denial of the preliminary plat.

c. Land Use Committee: The Land Use Committee shall review the application and recommendation from the Zoning Board of Appeals and provide recommendations on the application for consideration by the full County Board.

3. County Board Action: The County Board shall review and accept or reject the preliminary plat of a major subdivision. After receiving the department's recommendation, the County Board shall act on the subdivision following a recommendation made on the preliminary plat by the Land Use Committee.

4. Effect Of Approval: Preliminary approval of a major subdivision shall confer upon the applicant the following rights for a one year period from the date of approval of the preliminary plat by the County Board.

a. Terms: The general terms and conditions upon which preliminary approval was granted shall not be changed.

b. Phased Development: The applicant may submit an application for final plat approval for the entire subdivision or for any section or sections of the preliminary subdivision plat. The application must be submitted before the expiration date of the preliminary plat.

c. Extension Of Time: The applicant may apply for an extension of the time limit identified in this subsection for additional periods of up to one year, but no more than one such extension shall be granted.

d. Expiration: If, by the end of the one year period, the applicant has failed to submit at least twenty five percent (25%) of the lots in the proposed subdivision for final plat approval, the approval of the preliminary plat shall be rescinded.

C. Final Plat:

1. Submission: Any applicant seeking approval of a final plat shall submit to the Director fifteen (15) copies of the materials specified in section 8-6-2-1, "General Requirements", of this title. The application shall be declared complete or incomplete by the Land Use Department, and copies shall be forwarded to members of the Development Review Committee.

2. Deviations From The Approved Preliminary Plat: Any significant deviations between the approved preliminary plat and the final plat submittal, as determined by the Development Review Committee, will void the prior preliminary plat and require an amendment to the preliminary plat.

3. Review And Recommendations: Review of the final plat shall be based solely on its conformity with the proposed layout, facilities, and improvements specified in the approved preliminary plat and with the documentation requirements specified in subsection B1 of this section.

a. Land Use Department: The department shall review the application and shall comment and make recommendations to the Zoning Board of Appeals and the Land Use Committee.

b. Zoning Board Of Appeals: The Zoning Board of Appeals and Land Use Committee shall review the application and shall recommend approval or denial of the final plat.

c. Land Use Committee: The Land Use Committee shall review the application and recommendation from the Zoning Board of Appeals and provide recommendations on the application for consideration by the full County Board.

4. County Board Action: The County Board shall accept or reject the application for final plat approval after receiving the recommendation from the Land Use Committee. (Ord. 2018-012, 6-12-2018)

8-14-10-4: REQUIRED CERTIFICATES:

Following approval of the final plat by the County Board of a minor or major subdivision, the following certificates, signed by proper authority, shall be affixed to or referenced electronically from the plat document. The form of each certificate and identity of the proper authority is explained in section 8-17-2 of this title.

TABLE 8-14-10-4

REQUIRED CERTIFICATES

Certificate	Minor Subdivision	Major Subdivision
Certificate	Minor Subdivision	Major Subdivision
Certificate regarding flood hazard	X	X
County Board Chair's certificate	X	X
County Clerk	X	X
County Highway Engineer and/or Illinois Department of Transportation	X ¹	X

Director of Environmental Health's certificate	X	X
Engineer's and owner's certificate	X	X
Municipal Clerk's certificate		X ¹
Municipal Planning Commission		X ¹
Notary certificate	X	X
Owner and school district certificate	X	X ¹
Zoning Board of Appeals' Chair certificate		X
Plat certification	X	X
Plat Officer's certificate	X	X
Surveyor's certificate	X	X
Township Road Commissioner's certificate	X ¹	X

Note:

1. If applicable.

(Ord. 2018-012, 6-12-2018)

8-14-10-5: RECORDING:

Approval of the preliminary and final plats of a subdivision shall expire ninety (90) days from the date of County Board approval, unless within such a period, a plat in conformity with such approved subdivision is filed with the County Recorder. The Plat Officer may, for good cause, extend the period for recording not to exceed one hundred eighty (180) days from the approval of the plat by the County Board. (Ord. 10-001, 1-12-2010)

8-14-11: INTERPRETATIONS:

All questions of interpretation and enforcement related to zoning or subdivision approvals shall be first presented to the department, and then such questions may be presented to the Zoning Board of Appeals only on appeal from the decision of the department, in accordance with the provisions of section 8-14-12, "Appeals", of this chapter.

A. Official Record: The department shall maintain a record of all interpretations rendered pursuant to this section. This record shall be available for public inspection through the department, upon reasonable request, during normal business hours.

B. Unlisted Uses:

1. General: Determining the classification of a use that is not explicitly addressed by this title is an administrative interpretation.

2. Standards For Decision: The department shall place uses that are not listed in chapter 2, "Permitted Uses", of this title, or defined in chapter 16, "Definitions", of this title, into the most functionally similar category. For nonresidential uses, a recognized land use classification system (such as the North American Industrial Classification System, NAICS) may serve as a guideline for determining related land uses. In determining an appropriate listed use, the interpretation shall seek similar characteristics, including the use's intensity and its likely adverse impacts. Where a choice remains after reviewing for adverse impacts, the use should be classified with the similar use that has the most adverse impacts.

C. Meaning Or Application Of Standards: When evaluating a provision of this title as to its meaning or application, the provisions of this section shall be applied. Interpretations of the meaning or application shall not lessen protection, but may provide greater flexibility in meeting this title's objectives. Determining the provision's public health, safety, and welfare purposes should guide the decision.

D. Adverse Consequences Of An Interpretation: Adverse consequences of an interpretation must be determined. If there are adverse consequences to neighbors, the environment, infrastructure, quality of life, or an unintended consequence, the interpretation should be denied. If there are no consequences or the consequences are positive, the interpretation should be approved. (Ord. 10-001, 1-12-2010)

8-14-12: APPEALS:

Any person who disagrees with the decision of the Zoning Officer pertaining to this title may appeal to the Zoning Board of Appeals. The Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the decision, as in its opinion ought to be made on the premises. To this end, the Zoning Board of Appeals shall have all the powers of the Zoning Officer.

A. Application: An appeal shall be taken within twenty (20) days of the decision, as provided by the rules of the Zoning Board of Appeals, by filing with the Zoning Officer a notice of appeal specifying the grounds for appeal.

B. Processing:

1. The Zoning Officer shall promptly forward a copy of the appeal to the Zoning Board of Appeals.

2. The Zoning Officer shall schedule a public hearing by the Zoning Board of Appeals, to be held within ninety (90) days of receipt of the application.

C. Public Hearing: The Zoning Board of Appeals shall conduct a public hearing on the appeal in accordance with section 8-14-2-6, "Public Hearings", of this chapter.

D. Decision Of The Zoning Board Of Appeals: After closure of the public hearing, the Zoning Board of Appeals shall approve or deny the appeal by a concurring vote of three (3) or more of its members.

E. Effect Of Appeal: An appeal stops all proceedings and enforcement activities. However, the Zoning Officer may certify to the Zoning Board of Appeals (or court of record, as appropriate) that nonenforcement would cause imminent peril to life or property. In such case, the Zoning Board of Appeals (or court of record) may refuse to stop the enforcement proceedings.

F. Decision: The Zoning Board of Appeals may reverse or affirm, wholly or in part, or may modify the order, requirement, decision, or determination involved in the appeal. (Ord. 10-001, 1-12-2010)

ENFORCEMENT, INTERPRETATION, AND SEVERABILITY

SECTION:

8-15-1: Zoning Enforcement

8-15-1-1: Violations Procedures

8-15-1-2: Penalty

8-15-2: Interpretation

8-15-3: Severability

8-15-1: ZONING ENFORCEMENT:

8-15-1-1: VIOLATIONS PROCEDURES:

Whenever there is found a violation of the terms of this UDO, the land use department shall at once issue written notice to the owner and any other party responsible, specifying the nature of the violation and citing the provisions of this UDO which are violated, and said owner and any other party shall at once take appropriate steps to correct said violation. In case of failure by the owner or other responsible party to correct the violation within a reasonable time, the land use department shall initiate action or proceeding as shall secure compliance with the applicable provisions of this title. It shall be the duty of the land use department to enforce the provisions of this UDO and to bring to the attention of the county state's attorney any violations or lack of compliance. (Ord. 10-001, 1-12-2010)

8-15-1-2: PENALTY:

Any person, firm, or corporation who violates, disobeys, omits, neglects, refuses to comply with, or resists enforcement of any of the provisions of this UDO shall, upon conviction, be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense. Other actions may be taken by law or in equity to prevent or to remedy any violation of this title, and these remedies shall be in addition to any other penalties. (Ord. 10-001, 1-12-2010)

8-15-2: INTERPRETATION:

In their application, the provisions of this UDO shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, morals, convenience, and general welfare, and the provisions shall be interpreted in accordance with the following:

A. Conflicting Provisions: Where the conditions imposed by any provision of this UDO are either more restrictive or less restrictive than comparable standards imposed by any other provision of this UDO or of any other law, ordinance, resolution, rule, or regulation of any kind, the regulations which are more restrictive, or which impose higher standards or requirements, shall govern.

B. Abrogation And Greater Restrictions: This UDO is not intended to abrogate any easements, covenants, or other private agreements, provided that, where the regulations of this title are more restrictive or impose higher standards or requirements than such easement, covenants, or other private agreements, the requirements of this title shall govern.

C. Existing Buildings, Structures, And Uses: No building, structure, or use not lawfully existing at the effective date hereof shall become or be made lawful solely by reason of the adoption of this UDO and to the extent that, and in any manner that said unlawful building, structure, or use is in conflict with the requirements of this UDO, said building, structure, or use remains unlawful under the provisions of this UDO. (Ord. 10-001, 1-12-2010)

8-15-3: SEVERABILITY:

A. Generally: If any division, section, paragraph, clause, provision, or portion of this UDO is held unconstitutional or invalid by a court of competent jurisdiction, the remainder of this UDO shall not be affected. If any application of this UDO to a particular structure, land, or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land, or water not specifically included in said judgment.

B. Signs: With respect to chapter 5, "Signs", of this title, the following severability provisions shall apply:

1. Severability Generally: If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of chapter 5, "Signs", of this title, or any other provision of this UDO related to signage, is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of chapter 5, "Signs", of this title, or this UDO.

2. Severability Of Provisions If Adjudicated Stricken Due To A Content Basis: It is the intent of the county board to regulate signage in a manner that implements the purposes of chapter 5, "Signs", of this title, as expressed therein. The county finds that the purposes stated in chapter 5, "Signs", of this title, are legitimate, substantial, and compelling public interests, that the regulation of signage provided by chapter 5, "Signs", of this title, is unrelated to the suppression of free expression, and that the incidental restrictions on expression that may occur as a result of these regulations is no more than is essential to the furtherance of the public interests. However, if a court of competent jurisdiction finds any regulation therein to be based upon content and, further, declares such regulation unconstitutional, then it is the intent of the county board that only that portion of the provision that is found to relate to content be severed from this UDO, and if it is not possible for the court to strike only the portion of the provision that is found to relate to content, then it is the intent of the county board that all signs that would be subject to the stricken provision will instead be subject to the next surviving provision for a sign of like geometry and character that is more restrictive than the stricken provision in terms of sign area. (Ord. 10-001, 1-12-2010)

CHAPTER 16

DEFINITIONS

SECTION:

8-16-1: Word Usage; Abbreviations; And Acronyms

8-16-1-1: World Wide Web Links

8-16-1-2: Word Usage

8-16-1-3: Abbreviations And Acronyms

8-16-2: Use Definitions

8-16-2-1: Agricultural Uses

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8-16-2-4: Institutional Uses

8-16-2-5: Commercial Uses

8-16-2-6: Recreation And Amusement Uses

8-16-2-7: Industrial Uses

8-16-2-8: Miscellaneous Uses

8-16-2-9: Temporary Uses

8-16-3: General Definitions

8-16-1: WORD USAGE; ABBREVIATIONS; AND ACRONYMS:

8-16-1-1: WORLD WIDE WEB LINKS:

Some of the definitions of this UDO include links to world wide web sites that provide supporting information ("external links"). The external links were current as of the effective date. However, the materials provided in the external links are not part of this UDO. The director is authorized to maintain and update the external links to provide for public and administrative convenience without further action of the county board. (Ord. 10-001, 1-12-2010)

8-16-1-2: WORD USAGE:

A. Generally: The rules of this section shall be observed and applied when interpreting this UDO, except when the context clearly requires otherwise.

B. Word Usage: Words shall be interpreted as follows:

1. Unless the context clearly indicates otherwise, words used or defined in one tense or form shall include other tenses or forms.
2. Unless the context clearly indicates otherwise, words in the singular number shall include the plural number, and words in the plural number shall include the singular number.
3. The masculine gender shall include the feminine. The feminine gender shall include the masculine.
4. The words "shall" and "will" are mandatory.
5. The words "may" and "should" are permissive.
6. The word "person" includes individuals, partnerships, firms, corporations, associations, trusts, and any other similar entities or combination of individuals. (Ord. 10-001, 1-12-2010)

8-16-1-3: ABBREVIATIONS AND ACRONYMS:

Table 8-16-1-3, "Meaning Of Abbreviations And Acronyms", of this section sets out the meaning of the abbreviations and acronyms used in this UDO.

TABLE 8-16-1-3

MEANING OF ABBREVIATIONS AND ACRONYMS

ac.	Acres
ANSI	American National Standards Institute
dBA	A-weighted decibels
dbh	Diameter at breast height
du	Dwelling unit
e.g.	For example. Items listed after the abbreviation "e.g." are intended to be illustrative and not limiting
FAR	Floor area ratio
FEMA	Federal emergency management agency
FIRM	Flood insurance rate map
ft.	Feet
i.e.	That is. Text that follows the abbreviation "i.e." is intended to clarify prior text by restating it in a different way
in.	Inches
LOMA	Letter of map amendment
Max.	Maximum
Min.	Minimum
n/a	Not applicable
NAICS	North American industrial classification system
OSR	Open space ratio
Sec.	Section
sf.	Square feet

USACE	United States army corps of engineers
USC	United States Code

(Ord. 10-001, 1-12-2010)

8-16-2: USE DEFINITIONS:

8-16-2-1: AGRICULTURAL USES:

AGRICULTURE: These uses include land (with and without farm residences) used for field crops, orchards, viticulture, aquaculture, sod, plant materials for off site sales, and truck farming. It also includes the raising or breeding of livestock, cattle, horses, poultry, and bees where there is no more than one animal unit per acre. The following uses are also included as agriculture:

Agriculture Sales And Events: Activities such as "pick your own" sales, agricultural tourism such as corn mazes and farm tours, or community supported agricultural events.

Clearing: This involves the cutting of trees or underbrush on a site whether by clear cutting, selective cutting, bulldozing, burning or other means including forestry or in preparation for agricultural use.

Incidental Processing: Processing activities such as production of honey, butter, syrup, or other products from raw materials grown or obtained on site.

APIARY: Assembly of one or more colonies of bees at a single location.

BEE: All stages of life of the common domestic honey bee or apis mellifera species.

BEEKEEPER: A person who owns and has responsibility in the maintenance and safety of the apiary.

BEEKEEPING EQUIPMENT: Anything that used for the operation of an apiary.

BOARDING/RIDING STABLES: The stabling, training, feeding of horses, or the provision of riding facilities for other than personal use by the resident of the property.

CARGO CONTAINER: A premanufactured structure, of metal construction that is designed as a shipping container for portable storage. Cargo containers are considered to be accessory structures as regulated by the unified development code and will require a building permit prior to placement. The container shall be limited such that the containers are not greater than eight and one-half feet (8'6") in height, eight feet (8'0") wide, and not longer than forty feet (40'0") in length.

COLONY: Grouping of honey bees that consists of workers, one queen, drones, brood, combs, and honey.

FARMSTEAD: A residential-agricultural unit in a portion of the agricultural land, platted or unplatted, is used for the residence of the owner/operator of the agricultural operation who lives on the land as owner or by lease. It may include multiple properties; the residence, barns, and fields or pastures need not be on the same lot.

FLYWAY BARRIER: A solid wall, fence or dense vegetation that is maintained that modifies the flight pattern for the bees.

HIVE: A Langstroth design that houses the colony and has removable frames for inspections.

Nucleus Hive: Consisting of a hive that does not exceed one standard 9-5/8 inch depth ten frame hive body with no supers attached. Each nucleus hive shall be disposed of or combined with an authorized colony within thirty days after the date it is acquired as it provides the queen and starter bees for the hive.

INTENSIVE AGRICULTURE: These uses include any agricultural uses such as feedlots, hog farms, and poultry operations where animals are tightly confined in buildings or outdoor pens or pastures that are required to obtain an NPDES or related permit because of animal or poultry wastes.

KENNEL: Any premises or portion of a premises on which more than two (2) dogs or cats are maintained, boarded, bred, or cared for in return for remuneration or are kept for the purpose of sale.

NURSERIES: Nurseries and ornamental floriculture whose primary use is the growing of plants, with incidental sales of landscaping products or equipment. For uses that are primarily involved in the retail sale of plants, garden supplies, and landscape materials, see definition of Garden Center.

SENSITIVE USE PARCEL: Parcels which house or have uses which have multiple people such as the elderly, small children, individuals with medical conditions or housing that confines animals. These uses include but are not limited to nursing homes, hospitals, schools, preschools, daycares, stables, and kennels. (Ord. 10-001, 1-12-2010; amd. Ord. 2011-012, 7-12-2011; Ord. 2021-018, 6-8-2021)

8-16-2-2: RESIDENTIAL USES:

CHICKEN: A female gendered domesticated fowl (hen) of the subspecies Gallus gallus domesticus.

COOP: An enclosure or cage consisting of four (4) walls, a roof, and a floor with adequate ventilation and appropriate access and egress, designed in such a way as to provide safe and healthy living conditions for the chickens.

GROUP HOME: A dwelling that is owned or leased by a behavioral health service provider and shared by persons who live together as a single housekeeping unit in a long term family like environment that:

- A. Provides residential services and supervision for children or individuals who are developmentally disabled or behaviorally disabled;
- B. Is occupied as a residence with full time, twenty four (24) hour staff supervision;
- C. Does not include living quarters that serve persons as an alternative to incarceration for a criminal offense;
- D. Houses eight (8) or fewer nonemployee residents (see the definition of Institutional, Residential for larger facilities).

LIVE-WORK UNIT: A dwelling unit that provides space that is designed for commercial uses that are permitted in the zoning district. Access between the dwelling unit and the commercial space is provided within the unit.

MANUFACTURED HOME: A dwelling unit that is fabricated in an off site manufacturing facility for installation or assembly at the building site, bearing a seal certifying that it is built in compliance with standards promulgated by the U.S. department of housing and urban development (HUD), pursuant to 42 USC section 5403, construction and safety standards, and certified as provided in 77 Illinois administrative code 880.

MANUFACTURED HOME PARK OR SUBDIVISION: A parcel of land divided into two (2) or more lots for rent, lease, or sale. This use also includes a parcel of land divided into two (2) or more recorded parcels for sale.

MULTI-FAMILY: Buildings that contain three (3) or more residential condominium or rental apartment units (subject to long term leases) that share one or more common entrances. Boarding houses, dormitories, fraternities, sororities, bed and breakfast establishments, hotels and motels are not included in this definition.

SINGLE-FAMILY: All detached dwelling units constructed on lots and intended for only one family.

SINGLE-FAMILY ATTACHED: All attached dwelling units, including duplexes, in which two (2) or more units are physically connected with each unit having its own entrance.

SINGLE-FAMILY CLUSTER: Single-family residential uses within a subdivision that is designed to include common open space that remains undeveloped.

TWO-FAMILY: Attached, two-dwelling units including duplex and twin home types. The units are joined by a common side wall or occupy separate stories. (Ord. 10-001, 1-12-2010; amd. Ord. 2012-011, 4-10-2012; Ord. 2020-03, 1-14-2020)

8-16-2-3: HOME USES:

CHILDCARE HOME: A family home that receives more than three (3), and up to a maximum of eight (8), children for less than twenty four (24) hours per day. The number counted includes the family's natural or adopted children and all other persons under the age of twelve (12).

HOME OCCUPATIONS: Any service, professional, or art occupation, which is conducted in a residence, which does not change the essential character of the residential use. Sales, wholesale or retail, shall be prohibited except for sales distributors who fill orders for catalog type products and make deliveries to the customer's house, as opposed to customers coming to the place of business. Commercial deliveries are made by parcel services, not large trucks. No employees other than family members living in the unit are permitted. No commercially licensed vehicles are permitted. (Ord. 10-001, 1-12-2010)

8-16-2-4: INSTITUTIONAL USES:

COLLEGE/UNIVERSITY: Public or private colleges, universities, and professional schools providing other advanced education beyond high school.

CORRECTIONAL FACILITY: Housing where the residents are assigned to the facility and are under the protective care of the county, state, or federal government. This use includes jails, prisons, work release, other similar facilities, and psychiatric hospitals.

DAYCARE FACILITY: A commercial facility that regularly provides daycare for less than twenty four (24) hours per day, usually during customary business hours, in a facility other than a family home.

HOSPITALS: Hospitals and medical laboratories, including general medical and surgical hospitals and specialty hospitals, except alcoholism and drug rehabilitation facilities.

INSTITUTIONAL, RESIDENTIAL: These uses include:

Convents or monasteries and nursing homes.

Dormitories, fraternities, sororities, or co-ops.

Institutional housing where there is commercial rental or condominium ownership combined with any of the following: common food service, nursing, or healthcare.

Schools with live-in facilities on site, other than universities, colleges, or preparatory schools.

Sheltered care facilities or group living facilities where the residents live in an institutional environment and are, generally, under the care or control of staff. All sheltered care, group care, group homes, and residential substance abuse facilities where total occupancy is more than eight (8) shall be included in this category. The residents would be members of an institution, or would have institutional care, or would be treated by staff in an institutional setting with common living and eating spaces, rather than living independently. This category includes drug and alcoholism hospitals and rehabilitation centers.

PLACES OF PUBLIC ASSEMBLY: This use includes museums, aquariums, cultural or arts centers, conference centers, libraries, public and private schools serving grades K – 12, places of worship, and cemeteries. The use is further defined by scale.

PRIVATE CLUB: Organizations or associations of persons for some common purpose, such as a fraternal, social, educational or recreational purpose, but not including clubs organized primarily for profit or to render a service which is customarily carried on as a business. Examples of private clubs include (but are not limited to) 4-H clubs, veterans' organizations, Boy Scout and Girl Scout facilities, Elks lodges, YMCA, YWCA, private community clubhouses, golf clubhouses, and fraternities and sororities that do not include residential facilities.

PUBLIC SERVICE FACILITY: These uses include government or privately operated facilities that provide local public services. They include:

Conservation and agricultural service agencies.

Emergency service, buildings, or garages (e.g., ambulance, fire, police, rescue).

Postal service buildings except major distribution centers.

Other state and federal agency services.

UTILITIES, NEIGHBORHOOD: Utilities serving the local area. Utility substations or transmission and local distribution facilities, including electric, gas, telephone, sewer, water, and stormwater. Whether a substation or transmission facility, the transmission lines shall either be in road rights of way, adjacent to the rights of way, or in easements or separate rights of way twenty feet (20') or less in width. Generation or storage of combustibles is not included in this definition. (Ord. 10-001, 1-12-2010)

8-16-2-5: COMMERCIAL USES:

AGRICULTURAL SUPPORT AND OTHER RURAL SERVICES: This use includes farm supply services, farm equipment repair and dealers, grain storage, and large animal veterinary practices.

BED AND BREAKFAST: Any place of lodging that provides five (5) or fewer rooms for rent, is the owner's personal residence, and is occupied by the owner at the time of rental.

CAR WASH: A building or portion of a building containing facilities for washing two (2) or more motor vehicles using automated procedures.

COMMERCIAL LODGING: These uses include hotels, motels, including those with convention facilities, and facilities that cater their occupants.

COMMERCIAL RETAIL: Commercial and retail uses include the following, provided no general storage or sales occur on the exterior on a regular basis. Furthermore, no regular sales can exceed five percent (5%) of the interior floor area. Examples of commercial retail uses include:

- Clothing and accessory stores.
- Consumer electronics, personal computers, and appliances.
- Consumer rental of light equipment or video entertainment media.
- Food and beverage stores.
- Furniture stores.
- General merchandise stores.
- Miscellaneous retail, including: art, gifts, sporting goods, drugstores, liquor, books, toys, camera stores.
- Paint, glass, wallpaper, hardware stores.

DRIVE-IN/DRIVE-THROUGH FACILITY: These uses include all uses providing service to customers in vehicles who either drive up to a window or station or drive through the building for purchases or services (e.g., banking). This is often the second use of the property, and the primary use must also be permitted in the district. A drive-in facility does not include a drive-in cinema.

GARDEN CENTER: A retail enterprise that sells garden supplies, plant materials, packaged fertilizers and topsoil, outdoor ornaments, tools and household equipment, and related products to the general consumers. This category also includes adjoining areas for growing plant materials.

HEAVY RETAIL AND SERVICE: These are retail and/or service activities that have regular exterior service or storage areas or partially enclosed structures as listed below:

- Exterior commercial retail sales.
- Fuel dealers.
- Home improvement centers.
- Lumber and other building materials.
- Miniwarehouses, not with outside storage.
- Recreational equipment rental where equipment is stored outside.
- Repair shops and related services.
- Vehicle repair services, towing, and parking except light auto services (see definition of Light Automobile Service).

LIGHT AUTOMOBILE SERVICE: This includes:

Auto malls with a number of the uses, as listed below in this definition, contained in a single building. This definition includes an accessory car wash as part of the mall.

Gasoline service stations, gas convenience marts, and quick service oil, tune up, brake, and muffler shops where repairs are made in fully enclosed bays and no vehicles are stored overnight. A single bay car wash associated with a gas convenience mart is included in this definition, provided it constitutes less than twenty percent (20%) of total floor area and is not in a separate building.

MINISTORAGE UNITS: A single building or series of buildings for the storage of personal property in self-contained, self-storage units, each of which units has separate and exclusive access from either the exterior or interior of the building. This definition includes an accessory office or living quarters for the person providing security services for the property.

MIXED USE: An occupancy or use that contains two (2) or more use categories, one of which shall be residential. Two (2) configurations are included:

- A building or group of buildings arranged around a walkway or pedestrian oriented street containing three (3) or more uses; or
- A multi-story structure.

OFFICE: Office uses include:

- Agricultural support and services (offices only, no equipment or warehousing).
- Business services.
- Civic and social organizations.
- Educational services, such as business schools, technological, and trade schools excluding public and private schools serving grades K – 12 (see institutional uses).
- Finance, banks, trusts, lending.
- Governmental offices (excluding public service).
- Health services.
- Insurance carriers, agents, brokers, and service.
- Miscellaneous services.
- Professional and technical services.
- Real estate.
- Security, commodity brokers, and services.
- Social services (except care facilities).

RESTAURANT: A use that serves food for consumption within or to take out.

SERVICES: These uses include a wide variety of personal and commercial services. This category does not include those services for customers in vehicles, such as a drive-in banking facility.

Funeral homes.

Health and exercise; dance studios.

Laundry services.

Miscellaneous repair services and shops.

Personal services.

Professional, medical, dental, or social assistance.

SHOPPING CENTER: A group of commercial retail, service, and other commercial uses located in a single planned unit.

VEHICULAR SALES, RENTAL, AND SERVICE: Automobile, boat, motorcycle, recreational vehicle dealers, auto repair.

VETERINARY PRACTICE: Clinics and hospitals that provide care for small domestic animals. For the purposes of this UDO, the term does not include large animal and livestock veterinarians, which are classified as agricultural support and other rural services. (Ord. 10-001, 1-12-2010)

8-16-2-6: RECREATION AND AMUSEMENT USES:

CAMPGROUNDS: This is a form of commercial lodging where guests bring tents, travel trailers, recreational vehicles (RVs), campers, or other similar forms of shelter, and the campground or RV park owner rents pads to the guests.

COMMERCIAL AMUSEMENT, INDOOR: This use includes, but is not limited to, all indoor commercial amusement facilities: bowling alleys, indoor sports arenas, movie theaters, indoor skating rinks (ice or roller), video arcades, pool halls, and shooting arcades.

COMMERCIAL AMUSEMENT, OUTDOOR: This use includes, but is not limited to: fairgrounds, outdoor stadiums, racing facilities, rodeos, music arenas, theme parks, amusement parks, miniature golf establishments, water slides, batting cages, hunting preserves, and shooting ranges.

INDOOR RECREATION: This use includes the following:

Recreational uses that are public (open to community or development residents) including community recreation centers, gymnasiums, indoor swimming pools, or tennis, racquetball, or handball courts.

Specifically excluded are health and exercise clubs and uses listed as commercial amusement uses.

OUTDOOR RECREATION: This use includes the following:

Passive recreational uses including, but not limited to: arboretums, wildlife sanctuaries, forests, areas for hiking, nature areas, and other passive recreation oriented parks.

Picnic areas, garden plots, and beaches.

Public areas (open to community residents) for active recreational activities including, but not limited to: jogging, cycling, tot lots, playing fields, playgrounds, outdoor swimming pools, and tennis courts, golf courses (full sized 9 holes, regulation length) regardless of ownership and membership, golf and country clubs, par 3 golf courses, and golf driving ranges. (Ord. 10-001, 1-12-2010)

8-16-2-7: INDUSTRIAL USES:

ADULT USES: This includes:

An establishment having as a significant or substantial portion of its stock in trade books, magazines, periodicals, or other printed matter, and/or photographs, films, motion pictures, electronic media, slides, tapes, records or other forms of visual or audio representations that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified anatomical areas, or

An establishment offering massage, manipulation, rubbing, vibration, stroking, or tapping of the human body with the hand or an instrument, staffed by one or more persons who do not belong to any nationally recognized massage therapy association or by persons who are not graduates of any recognized training school in massage therapy.

An establishment or building used for presenting material and/or conduct distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas for observation by patrons therein. This includes bars, restaurants, movie theaters, theaters, peepshows, strip halls, special cabarets, physical culture establishments, photographic studios, role playing or bondage establishments, or any other normally permitted use where "specified sexual activities" are displayed, or where "specified anatomical areas" are exposed to customers.

A. For the purpose of this definition, the term "specified sexual activities" is defined as:

1. Human genitals in a state of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse, or sodomy;
3. Fondling, kissing, or other erotic touching of specified anatomical areas;
4. Flagellation or torture in the context of a sexual relationship;
5. Masochism, erotic or sexually oriented torture, beating or the infliction of pain;
6. Erotic touching, fondling or other such contact with an animal by a human being; or
7. Human excretion, urination, menstruation or vaginal or anal irrigation as part of or in connection with any of the activities set forth in this definition.

B. For purposes of this definition, the term "specified anatomical areas" is defined as:

1. Less than completely and opaquely covered human genitals, pubic region, buttock, anus, or female breast below a point immediately above the top of the areola; and
2. Human male genitals in a state of sexual stimulation or arousal.

CARGO CONTAINER: A standardized, reusable container for the transport of cargo, which may be moved by multiple modes (including semitrailer trucks, cargo ships, and freight trains), without unpacking.

DEBILITATING MEDICAL CONDITION: One or more of the following:

Cancer, glaucoma, positive status for human immunodeficiency virus, acquired immune deficiency syndrome, hepatitis C, amyotrophic lateral sclerosis, Crohn's disease, agitation of Alzheimer's disease, cachexia/wasting syndrome, muscular dystrophy, severe fibromyalgia, spinal cord disease, including, but not limited to, arachnoiditis, Tarlov cysts, hydromyelia, syringomyelia, rheumatoid arthritis, fibrous dysplasia, spinal cord injury, traumatic brain injury and postconcussion syndrome, multiple sclerosis, Arnold-chiari malformation and syringomyelia, spinocerebellar ataxia (SCA), Parkinson's, Tourette's, myoclonus, dystonia, reflex sympathetic dystrophy, RSD (complex regional pain syndromes type I), causalgia, CRPS (complex regional pain syndromes type II), neurofibromatosis, chronic inflammatory demyelinating polyneuropathy, Sjogren's syndrome, lupus, interstitial cystitis, myasthenia gravis, hydrocephalus, nail-patella syndrome, residual limb pain, or the treatment of these conditions; or any other debilitating medical condition or its treatment that is added by the department of public health by rule.

DESIGNATED CAREGIVER: A person who is: a) at least twenty one (21) years of age; b) has agreed to assist with a patient's medical use of cannabis; c) has not been convicted of an included offense; and d) assists no more than one registered qualifying patient with his or her medical use of cannabis.

DISPOSAL: Facilities for the disposal of waste or the composting of organic wastes. The term includes:

- A. Landfill; and
- B. Composting facility.

EXTRACTION: This category includes extraction uses such as mining, quarrying, and gas and oil drilling. Wells and removal of water from a surface water body or underground aquifer are excluded from this definition.

HEAVY INDUSTRY: This category includes: construction, mining support, manufacturing, transportation, and public utilities due to the land use intensity impacts typically associated with large industrial uses, their accessory outdoor storage uses, and large building areas. The following uses are permitted:

Alcoholic beverages.

Any light industry in a building or buildings in excess of eighty thousand (80,000) square feet of ground cover, or having exterior storage occupying fifteen thousand (15,000) square feet or more, or having a height in excess of forty five feet (45').

Electric power generation intended primarily for transmission and distribution off premises.

Heavy construction contractors.

Hydrocarbon production, refining, and processing facilities; but excluding office functions, transmission, or distribution. This includes all utilities that are excluded from the definition of "utilities, community".

Industrial equipment leasing.

Meat products manufacturing.

Stone, clay, and glass products.

Transportation equipment manufacturing.

Trucking and warehousing.

Welding, sheet metal, blacksmith.

LIGHT INDUSTRY: This use includes: manufacturing, transportation, and wholesale use in buildings of less than eighty thousand (80,000) square feet of ground cover or having exterior storage occupying less than fifteen thousand (15,000) square feet, or having a height of less than forty five feet (45'). This, generally, includes the following uses:

Any heavy industrial use (defined in this section) occupying a masonry building less than twenty thousand (20,000) square feet in floor area, having no outside storage or processing and which is serviced with delivery of raw or partially assembled materials and shipping of the final product by parcel delivery vans, not semitrailers.

Building, development, and general contracting. Special trade contractors, except storage of any equipment that is more than twelve feet (12') in height.

Communications.

Electric and electronic equipment, except electronic distribution and electrical industrial.

Food products other than microbreweries.

Furniture and fixtures.

High tech heavy industry where the business is less than twenty thousand (20,000) square feet and receives and ships all its packages via courier service.

Instruments and related products.

Miniwarehouses.

Miscellaneous manufacturing industries.

Office and computing machines.

Printing and publishing.

Regional utility substation or distribution station on at least two (2) acres.

Textiles and apparel.

Transportation services.

Truck, recreational vehicle, and mobile home sales.

Truck rental.

Other rental.

Wholesale trade, durable and nondurable, except farm products.

MEDICAL CANNABIS: Includes marihuana, hashish and other substances which are identified as including any parts of that plant *Cannabis sativa*, whether growing or not; the seeds thereof, the resin extracted from any part of such plant; and any compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or resin including tetrahydrocannabinol (THC) and all other cannabinol derivatives, including its naturally occurring or synthetically produced ingredients, whether produced directly or indirectly by extraction, or independently by means of chemical synthesis or by a combination of extraction and chemical syntheses; but shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt derivative, mixture or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seeds of such plant which is incapable of germination.

MEDICAL CANNABIS CULTIVATION CENTER: A facility operated by an organization or business that is registered by the department of agriculture to perform necessary activities to provide only registered medical cannabis dispensing organization with usable medical cannabis, which is run by a registered cultivation center agenda as defined in state statute 410 Illinois Compiled Statutes 130/10(f).

MEDICAL CANNABIS DISPENSING FACILITY: A facility that is operated by an organization or business that is registered by the department of financial and professional regulation to acquire medical cannabis from a registered cultivation center for the purpose of dispensing cannabis, paraphernalia, or related supplies and educational materials to registered qualifying patients, and under the control of a registered, medical cannabis dispensing organization agent as defined in state statute 410 Illinois Compiled Statutes 130/10(p).

OUTDOOR CARGO CONTAINER STORAGE AND HANDLING FACILITIES: An outdoor facility for the parking, storage, and transfer of cargo containers among transport modes (e.g., truck to train, or truck to truck).

PRIVATE AIRSTRIP: A grass runway for fixed wing aircraft that is generally limited to the private use of a single owner.

QUALIFYING PATIENT: A person who has been diagnosed by a physician as having a debilitating medical condition.

REGISTRY IDENTIFICATION CARD: A document that is issued by the department of public health that identifies a person as a registered qualifying patient or registered designated caregiver.

SALVAGE ACTIVITIES: This use includes any land or structure used for salvaging, recycling, junkyards, or storing of wastepaper, rags, scrap metal, and discarded materials and the collection, dismantlement, storage, and salvage of two (2) or more inoperative vehicles, automobiles, boats, trucks or farm vehicles or equipment, or other types of machinery. This includes the aggregate storage of manmade equipment, machinery, scrap, or other used materials having a total cubic volume of seven hundred (700) cubic feet. Where there is no exterior storage and all the material is stored inside buildings with impervious floors, the use shall be considered light industry.

UTILITIES, COMMUNITY: A utility described above that is served by or involves rights of way or easements greater than twenty feet (20'). Generation or storage of combustibles is excluded from this definition (see definition of Heavy Industry).

WAREHOUSING AND TRANSPORTATION: This category includes all warehousing and storage during transit, except mini- or self-storage warehouses or that is not incidental to a manufacturing facility and occupying less than twenty five percent (25%) of the total floor area. (Ord. 10-001, 1-12-2010; amd. Ord. 2014-018, 11-10-2014)

8-16-2-8: MISCELLANEOUS USES:

AIRPORTS: This use includes all fixed wing aircraft runways, landing strips, and flight training schools excluding those that are accessory to a residence or farmstead for the private, noncommercial use of an individual.

CEMETERIES: This use includes outdoor areas designated for the burial of human remains. The term cemetery does not include:

- A. Private memorial gardens that are accessory to places of worship, university campuses, or farmsteads; or
- B. Columbaria that are accessory to places of worship, or university campuses.

LANDSCAPE WASTE COMPOSTING AND ORGANIC COMPOSTING FACILITY: An establishment for the composting of waste materials accumulated as the result of the care of lawns, shrubbery, vines, and trees, or the composting of other organic materials (e.g., food scraps) that are collected from off site.

PARKING AND TRANSIT FACILITIES:

A. Parking that is not accessory to a specific use, where a fee is normally charged. A facility that provides both accessory parking for a specific use and regular fee parking for people not connected to the use is also classified as a parking facility. This includes small structures intended to shield attendants from the weather.

B. Terminals used for the ticketing, loading, and unloading of bus or train passengers. Food and beverage sales conducted during normal terminal operations are included as accessory uses.

PRIVATE PIPELINE: A pipeline (including pump stations and surge and storage tanks) that conveys crude petroleum or refined petroleum (e.g., gasoline, fuel oil, natural gas, liquefied petroleum gas, or comparable commodities) between sources, terminal facilities, distribution centers, or other wholesale or retail supply facilities. Private pipelines do not include pipelines associated with utility service to individual retail customers.

UTILITY SCALE WIND ENERGY CONVERSION FACILITIES: Utility scale devices that convert wind energy into electricity through the use of a wind turbine generator consisting of the turbine, blade, tower base, and pad transformer (if any).

WIRELESS TELECOMMUNICATION FACILITIES: This use includes radio or television broadcasting towers, telecommunications towers, and antenna arrays. The phrase does not include residential satellite dishes, TV or HDTV antennas, or amateur radio antennas. (Ord. 10-001, 1-12-2010)

8-16-2-9: TEMPORARY USES:

COMMERCIAL OUTDOOR SALES EVENT: Outdoor sales for seasonal goods in an area designated on the plan for exterior sale, which may be permanently or temporarily delimited by a fence of some sort.

CONTRACTOR'S OFFICE: This includes watchmen's trailers, construction equipment sheds, contractors' trailers, and similar uses incidental to a construction project. Sleeping and/or cooking facilities may also be permitted.

FARM STAND: This is a temporary or permanent structure or vehicle used in the sale of agricultural produce in season, at least fifty percent (50%) of which is grown by the seller. More than one farm may sell at a single stand.

MODEL HOMES: A dwelling unit in a subdivision used as a sales office or a modular unit used as a sales office for a subdivision.

SALES OFFICE: A modular unit temporarily used as a sales office for any development or redevelopment project.

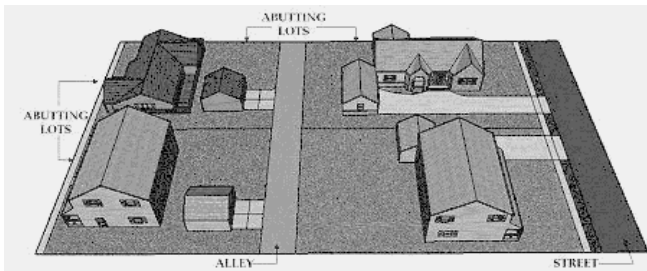
SPECIAL EVENTS: Outdoor gatherings, auctions, art sales, and bake sales for the benefit of the community, or community service or nonprofit organizations. These events may also include, but are not limited to, outdoor concerts, auctions, carnivals, circuses, outdoor religious meetings, and special entertainment at commercial properties. Such uses often travel to various communities or involve noisy events regardless of purpose. (Ord. 10-001, 1-12-2010)

8-16-3: GENERAL DEFINITIONS:

This section sets out all of the other definitions that are used in the UDO. Definitions for which illustrations are appropriate as an interpretive tool will be illustrated.

ABANDONMENT: That the use, structure, or sign is not used, occupied, or otherwise operating for the intended nonconforming activity for six (6) months, as specified in section 8-12-2, "Continuation Of Nonconformities", of this title. Periods of active remodeling during which the use is closed for repairs should not be considered in determining abandonment, provided the remodeling is completed within a reasonable time period as indicated on the zoning permit issued for remodeling nonconforming use. Abandonment of signs shall mean having electricity disconnected for lighted signs, no message, or the failure to repair damaged signs.

ABUTTING: Two (2) or more lots sharing the same or common property or district lines, including lots separated by an alley.



ACCESS: An area designated as a way for vehicles to enter or leave a property or lot to a public or private street or alley. Access is intended to permit residents to bring their vehicles onto the property, customers or tenants to park, and to provide for public access in emergencies.

ACCESS EASEMENT: That portion of a lot used for ingress/egress to an abutting lot and shown on a record plan by a recorded easement declaration. In no case shall a street or highway right of way be construed to mean an easement.

ACCESSORY BUILDING OR STRUCTURE: A building or structure detached from a principal building located on the same lot, and which is customarily incidental and subordinate to the principal use or building.

ACCESSORY USE: A use of land or a building, or portion thereof, customarily incidental and subordinate to the principal use or building, and located on the same lot with such principal use or building.

ACTIVE RECREATION: Recreational uses, areas, and activities oriented toward potential competition and involving special equipment. Playgrounds, sports fields and courts, swimming pools, picnic areas and golf courses are examples of active recreation uses. Also see definition of Passive Recreation.

ADDITION: Any construction, which adds or enlarges the size of an existing building. Additions also include any extension or increase in floor area, or height of a building or structure. Examples of an addition are: a porch, carport, new room, roof configuration, etc. Also see definitions of Conversion, Building Or Use and Structural Alterations.

ALLEY: A secondary means of access to abutting property that may be used for service vehicles and access to parking areas.

ALTER OR ALTERATION: A change in the appearance of a building, structure, site, or object, which is not otherwise covered by the definition of demolition, or any other change for which a permit is required pursuant to this UDO.

ANCILLARY USES: Uses subordinate to the principal use being conducted on a lot located either on the same lot as the proposed use(s) or on a separate lot, but which provide services convenient to the operation of the principal use.

APARTMENT: A multi-family residential unit.

APPEAL: A way to obtain review of a decision, determination, order, or act of an administrative agency pursuant to the terms of this UDO.

APPLICANT: A person, firm or governmental agency who executes the necessary forms to obtain approval or a permit for any zoning, subdivision, land development, building, land disturbance, or other activity regulated by this UDO.

APPROVAL: Final approval given by the department, zoning board of appeals, or when county board action is required for final approval, approval shall mean the adoption of all necessary ordinances, resolutions or the signature of the county board chairman when no ordinance or resolution is required.

APPROVED SEGMENT: A portion of a subdivision street for which a developer has posted a bond, letter of credit, or other surety with the county to ensure completion of specified public or private street improvements.

AQUIFER: A body of rock (crystalline, sand or gravel) that contains sufficient saturated permeable material to conduct groundwater springs or to yield economically significant quantities of groundwater to wells.

ARBORIST: A person possessing a bachelor's degree in arboriculture from a college or university who is certified through the International Society Of Arboriculture with documented experience in midwest states.

ARTERIAL STREET: See definition of Street, Arterial.

AS BUILT PLANS OR RECORD DOCUMENTS: A set of engineering or site drawings that delineate the lot lines, roads, water, sewer, other utilities, and stormwater management facility as actually constructed.

ATTIC: The area between roof framing and the ceiling of the rooms below, and that is not habitable, but may be reached by ladder and used for storage or mechanical equipment. Improvement to habitable status shall make it a story.

AWNING: A structure partially attached or entirely supported by a wall, and which is covered by canvas, cloth, plastic, other similar material, used as a protective cover for a door, entrance, window, walkway, or service area.

BASE FLOOD: The flood having a one percent (1%) chance of being equaled or exceeded in any given year. A flood is a general and temporary condition of partial or complete inundation of normally dry land areas adjoining a river, stream, or watercourse. The "base flood" is also known as the 100-year flood.

BASE FLOOD ELEVATION (BFE): The elevation in relation to mean sea level of the crest of the base flood.

BASE SITE AREA: A calculated area obtained by subtracting various land areas from the gross site area.

BASEMENT: See definition of Story, First.

BENCH MARK: A definite point of known elevation and location, and of more or less permanent character. The identity and elevation shall be based on NAD 1927/NGVD 1929 or NAD 1983/NGVD 1988.

BEST MANAGEMENT PRACTICES: That combination of conservation measures, structures, vegetation or management practices, that reduces or avoids adverse impacts of development on adjoining site's land, water, or waterways and water bodies.

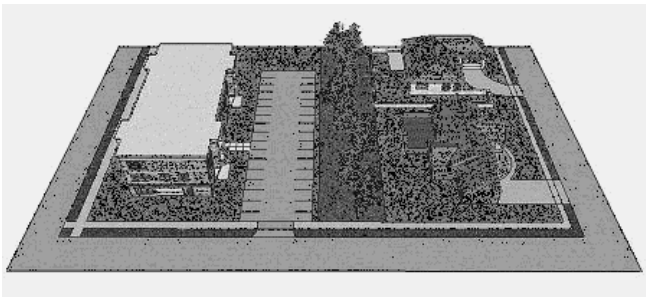
BLOCK: A piece of land surrounded on all sides by streets or other transportation rights of way, or by physical barriers such as water bodies or public open spaces. Blocks are normally divided into lots.

BOARD OF APPEALS: The Grundy County zoning board of appeals.

BUFFER: A designated area between two (2) land uses deemed incompatible with each other, or along the perimeter of a natural feature to be protected from an incompatible use, or along the perimeter of that use, which will absorb or otherwise preclude such incompatibility by some combination of construction design, vegetative plantings, fences and/or maintenance practices which shall be permanently maintained.

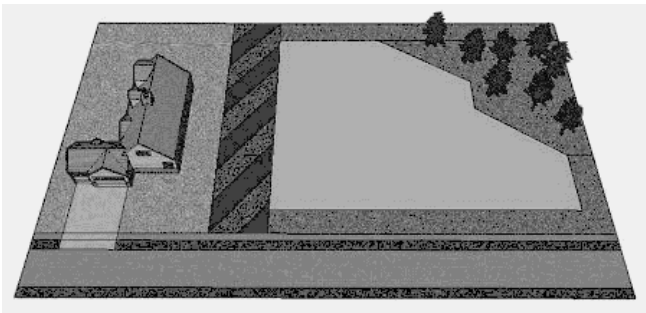
BUFFER, RIPARIAN: See definition of Riparian Buffer.

BUFFER YARD: A strip of land on the periphery of a property created to separate one type of land use or zoning district from another when they are incompatible or in conflict. Buffer yards include street buffer yards that protect the use from road related nuisances or screen undesirable uses. (See figure below.)



BUILD TO LINE: The building setback where the structure is required to be constructed.

BUILDABLE AREA: The space remaining on a lot after the minimum open space or landscape surface requirements, buffer yards and setbacks have been met. (See figure below.)



BUILDING: A walled and roofed structure, including gas or liquid storage tank that is principally aboveground, including manufactured homes, prefabricated building and gas or liquid storage tanks. The term also includes recreational vehicles and travel trailers installed on a site for more than one hundred eighty (180) days per year.

BUILDING CODE: Title 6 of this code.

BUILDING FRONT: That exterior wall of a building which faces the front lot line.

BUILDING HEIGHT: See definition of Height, Building.

BUILDING LINE: A line that runs along the ground at the plane of the principal building wall that is closest to the lot line that corresponds to the building line. For example, the "front building line" marks the location of the front of the principal building that is closest to the front lot line.

BUILDING OFFICIAL: Building officer of the land use department or his or her designee.

BULK REGULATIONS: Controls which establish the maximum size, height, and setback of a building on its lot. See chapter 3 of this title.

CLOMA: FEMA's comment on a proposed structure or group of structures that would, upon construction, be located on existing natural ground above the base (1 percent annual chance) flood elevation on a portion of a legally defined parcel of land that is partially inundated by the base flood.

CLOMR: FEMA's comment on a proposed project that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding

source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or the special flood hazard areas (SFHA).

CALIPER: The diameter of new landscape plantings measured six inches (6") aboveground.

CANOPY TREE: See definition of Tree, Canopy.

CERTIFICATE OF OCCUPANCY: A statement signed by the department setting forth that a building, structure, or use legally complies with this UDO and title 6 of this code, and that the building, structure, or use may be used for the purposes stated therein.

CERTIFICATION OF OWNERSHIP: A statement bearing the signature of the owner of the subdivision or land development stating that all dedications are offered to the county, state, or private utilities.

CERTIFY OR CERTIFICATION: Formally attesting that the specific inspections and tests, where required, have been performed, and that such tests comply with the applicable requirements of this title.

CLEAN FILL: A nondecomposable, environmentally inert solid, such as rock, soil, gravel.

CLEAR CUTTING: The practice of wholesale, complete removal of all trees, disturbing shrubs, or other vegetation in the process. This definition does not include the selective removal of trees on a building pad or normal maintenance of vegetation.

CLUSTER DEVELOPMENT: An alternative development technique, usually for single-family dwellings, where individual lot size is reduced and other areas are set aside within the development for water, natural resource protection, agriculture, or common open space.

COLLECTOR, RESIDENTIAL: See definition of Street, Residential Collector.

COLLECTOR STREET: See definition of Street, Collector.

COMMENCEMENT OF CONSTRUCTION: A building permit or other written permit required to be issued by the department has been issued and work commenced under such permit which is recognizable upon an inspection of the property and which work is of a nature and character that reflects a good faith intention to continue the work until completion, such as the clearing of rights of way, rough grading of the roadway, the installation of a drainage system or stormwater management facilities, and the placement and active maintenance of erosion and sediment control measures.

COMMON FACILITIES: Any area on a record plan dedicated as private open space, stormwater management area, recharge or infiltration system, park, active recreation facility, common parking area, sidewalk not located in a county or state right of way, street not dedicated for public use, and landscaping, easement, fence or any other item if specifically defined as a common facility on the record plan or in the maintenance declaration.

COMMON LAND: That land set aside for open space, including stormwater retention lakes, ponds or recreational use areas for the owners of lots in a subdivision, which land is conveyed in trust for the benefit, use and enjoyment of the lot owners.

COMMUNITY FACILITIES: Facilities and services required to serve new development, including, but not limited to:

- A. Roads, streets, highways, bridges and public transportation facilities;
- B. Water supply production, treatment and distribution facilities;
- C. Sewage collection, treatment and disposal facilities;
- D. Drainage facilities;
- E. Parks, open space and recreation facilities;
- F. Public primary and secondary schools;
- G. Police protection services;
- H. Fire and paramedic services;
- I. Libraries.

COMMUNITY OPEN SPACE: Open space areas within a manufactured home park which are designed and intended for the use and enjoyment of park residents and their guests.

COMPREHENSIVE PLAN: The adopted land use plan or any of its adopted elements, indicating the proposed future development of the county as adopted by the county board.

CONDOMINIUM: A multi-family dwelling or single-family detached or attached dwelling governed by the Illinois condominium act .

CONFORMING BUILDING OR STRUCTURE: A building that:

- A. Complies with all the regulations of this UDO, or of any of its amendments, governing bulk, lot area, height, setbacks and other requirements for the district in which it is situated; or
- B. Is designed or intended for a permitted or specially permitted use as allowed in the district in which it is located.

CONSERVATION: The planned management of a natural feature to prevent its exploitation, destruction, or neglect.

CONSERVATION DESIGN: A series of holistic land development design goals that maximize protection of key land and environmental resources, preserve significant concentrations of open space and greenways, evaluate and maintain site hydrology, and ensure flexibility in development design to meet community needs for complementary and aesthetically pleasing development. Conservation design encompasses the following objectives: conservation/enhancement of natural resources, wildlife habitat, biodiversity corridors, and greenways (interconnected open space); minimization of environmental impact resulting from a change in land use (minimum disturbance, minimum maintenance); maintenance of a balanced water budget by making use of site characteristics and infiltration; incorporation of unique natural, scenic and historic site features into the configuration of the development; preservation of the integral characteristics of the site as viewed from adjoining roads; and reduction in maintenance required for stormwater management practices. Such objectives can be met on a site through an integrated development process that respects natural site conditions and attempts, to the maximum extent possible, to replicate or improve the natural hydrology of a site.

CONSERVATION EASEMENT: A portion of a lot that is covered by an easement providing that such land shall be left in agricultural use, a natural state, or as an open space access easement.

CONSTRUCT OR CONSTRUCTION: The erection of a new building, structure, or object upon a site.

CONSTRUCTED WETLAND: A low lying, basin like structure, artificially created by dredging, damming, or leveeing of earth for the retention of water, and the establishment of a hydrophytic vegetative community.

CONSTRUCTION BUFFER: A specific separation distance that serves to absorb the impact of land disturbing activities and protect a designated resource area.

CONTIGUOUS: Land that abuts other land or lands that are separated only by streets, ways, pipelines, electric power lines, conduits or rights of way, owned in fee or less than fee, by third parties.

CONVERSION, BUILDING OR USE: The process by which the original use of a building or land is changed to a different use. See also definitions of Addition and Structural Alterations.

COUNTY: The county of Grundy, Illinois.

COUNTY BOARD: The governing body of Grundy County, Illinois.

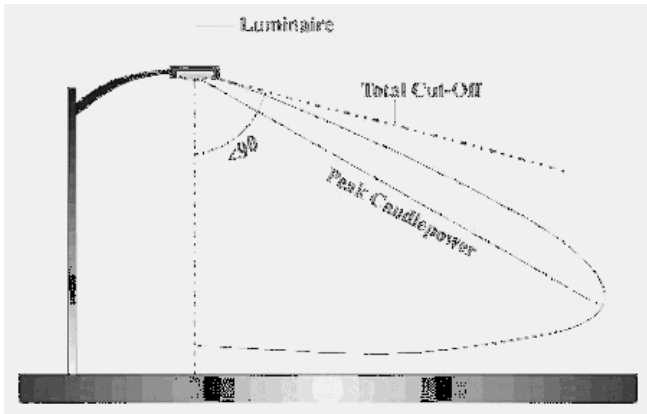
COUNTY CLERK: The county clerk of Grundy County, Illinois.

CRITICAL FACILITY: Any facility which is critical to the health and welfare of the population and, if flooded, would create an added dimension to the disaster. Damage to these critical facilities can impact the delivery of vital services, can cause greater damage to other sectors of the community, or can put special populations at risk. Examples of critical facilities where flood protection should be required include: emergency services facilities (such as fire and police stations), schools, hospitals, retirement homes and senior care facilities, major roads and bridges, critical utility sites (telephone switching stations or electrical transformers), and hazardous material storage facilities (chemicals, petrochemicals, hazardous or toxic substances).

CUBIC YARDS: The amount of material in excavation and/or fill measured by the method of average end areas.

CUTOFF: The point at which all light rays emitted by a lamp, light source, or luminaire are intercepted by a shield preventing their continuation. For signs, the term cutoff simply refers to the use of shields to direct the light so light rays shine exclusively on the sign.

CUTOFF TYPE LUMINAIRE: An outdoor lighting fixture, or luminaire, with shields, reflectors, or refractor panels which direct and cut off the light at an angle that is less than ninety degrees (90°). (See figure below.)



DAY-NIGHT LEVEL (DNL): A measure of noise that is an outdoor, day-night average A-weighted sound level.

DAYS: Working days.

DEDICATION: The transfer of private property to public or common ownership for a public purpose. The transfer may be in fee simple interest, or less than fee simple interest, including easements. Dedication requires the acceptance of the interest to be complete.

DEMOLISH: Demolition or demolish means the razing or destruction, whether entirely or in significant part, of a building, structure, site, or object. Demolition includes the removal of a building, structure, or object from its site, the removal or destruction of the facade or surface, or the alteration to such an extent that repair is not feasible or is so costly so as to be prohibitive, rendering the property unfit for use. Demolition shall also include demolition by neglect.

DEMOLITION BY NEGLIGENCE: The failure to provide ordinary and necessary maintenance and repair to a building, structure, or object. Whether by ordinary negligence or willful neglect, purpose or design, by owner or any party in possession thereof, which results in any of the following conditions:

- A. The deterioration of the exterior features so as to create or permit a hazardous or unsafe condition to exist.
- B. The deterioration of exterior walls, roofs, chimney, windows, the lack of adequate waterproofing, or deterioration of interior features or foundations which will or could result in permanent damage or loss of exterior features.

DENSITY: The number of dwelling units (or other units if specified) per acre of land of a parcel proposed for development.

DETENTION/RETENTION BASIN: A natural or manmade structure designed as a temporary holding basin for water. Water may be detained to minimize flooding downstream, or retained to increase aquifer recharge.

DEVELOPABLE LAND: All land within the boundaries of any tract proposed for development except for land which is located within the existing rights of way of any public or private road or any overhead utility line, floodplains, including land continuously covered with water, wetlands and prohibitive steep slopes.

DEVELOPER: A person seeking to build or develop as defined in this UDO.

DEVELOPMENT:

- A. Any manmade change to real estate including, but not necessarily limited to:
 1. Construction, reconstruction, or placement of a building, or any addition to a building;

2. Substantial improvement of an existing building;
 3. Installation of a manufactured home on a site, preparing a site for a manufactured home, or installing a travel trailer on a site for more than one hundred eighty (180) days;
 4. Installation of utilities; construction of roads, bridges, and culverts; or similar projects;
 5. Construction or erection of levees, dams, walls, or fences;
 6. Drilling, mining, filling, dredging, grading, excavating, paving, or other alterations of the ground surface;
 7. Storage of materials, including the placement of gas and liquid storage tanks; and
 8. Channel modifications or any other activity that might change the direction, height, or velocity of flood or surface waters.
- B. "Development" does not include maintenance of existing buildings and facilities; resurfacing roads; or gardening, plowing, and similar practices that do not involve filling, grading, or construction of levees.
- C. Any action covered by section 8-1-2-1, "Applicability", of this title.

DIAMETER AT BREAST HEIGHT (dbh): A measurement of the size of tree equal to the diameter of its trunk measured 4.5 feet above the adjacent natural grade. See also definition of Caliper.

DIRECTOR: The director of the Grundy County land use department, being also the administrative official charged with the administration and enforcement of this UDO.

DISPOSAL FIELD: A system of open jointed or perforated pipes laid in the upper strata of the soil to distribute sewage effluent into the soil for absorption and vaporization.

DISTRICT: A section or part of the unincorporated portion of the county or of an unzoned municipality within which certain regulations and requirements of this UDO apply.

DOMESTIC ANIMALS: An animal that is tame or domesticated and that is not normally found in the wild state. Hybrids of animals normally found in the wild state are not included within the meaning of domestic animal.

DRIP LINE: A generally circular line, the circumference of which is determined by the outer reaches of a tree's widest branching points.

DRIVEWAY: A private accessway, primarily for vehicles, leading from a street to a parking or loading area.

DRY WASTE: Includes clean fill, plastics, lumber, trees, stumps, vegetative matter, asphalt pavement, asphaltic products incidental to construction/demolition debris, or other materials which have reduced potential for environmental degradation and leachate production.

DWELLING: A building, or portion thereof, used as a place of residence, containing sleeping, cooking, and sanitary facilities, excluding commercial lodging facilities. (See section 8-16-2-2, "Residential Uses", of this chapter.)

DWELLING UNIT: One or more rooms physically arranged so as to create an independent housekeeping establishment for occupancy by one family with separate facilities for all of the following: sanitation, living, sleeping, cooking and eating.

EASEMENTS: Any portion of a parcel subject to an agreement between the property owner and another party which grants the other party the right to make limited use of that portion of the property for a specified purpose. See definition of Conservation Easement.

ELEVATION CERTIFICATE: A FEMA form to be completed by a professional engineer or surveyor to document the elevation of the lowest floor, including basement, of all new and substantially improved structures.

ENDORSEMENT: The signature of the director of the department, and, where applicable, that of the county board chairman, appended to the record plan to signify its approval.

ENGINEER: An individual technically and legally qualified to practice the profession of civil engineering and who is registered to do so in the state of Illinois.

ENVIRONMENTAL IMPACT ASSESSMENT REPORT: Any study, report or application required by this UDO, such as critical natural areas, floodplains, riparian buffers, steep slopes, water resource protection areas and wetlands.

EROSION: The wearing away of soil or rock fragments by water, rain, wind or earth gravity.

EROSION PRONE SLOPES: Slopes that consist of land with soils of United States department of agriculture soil conservation service capability classifications IVe, VIe, VI and VIIe as mapped by the latest soil survey of the county.

ESSENTIAL ACCESS: An access that must cross a protected resource area, such as a wetland, floodplain or steep slope, to reach an area of the site that is otherwise buildable, and would result in damage to the protected resource.

EXCAVATION: Any act by which organic matter, earth, sand, gravel, rock or any other similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated or bulldozed and shall include the conditions resulting therefrom.

EXISTING GRADE: The vertical location of the existing ground surface prior to excavation or filling.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed or buildings to be constructed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

EXTERIOR FEATURES: The architectural style, design and general arrangement of the exterior of a building, structure or object, including the color, nature and texture of building materials, and the type of style of all windows, doors, light fixtures, signs or other similar items found on or related to the exterior of a building, structure or object.

EXTERIOR STORAGE: Outdoor storage of fuel, raw materials, products, equipment and other materials accessory to the permitted nonresidential use.

- A. Exterior storage includes all building materials or waste or scrap materials stored outdoors.
- B. Truck trailers held on the site for more than one night storing materials or awaiting pick up shall be considered exterior storage.
- C. In the case of truck terminals, exterior storage includes all trucks, truck beds and truck trailers that are not involved in active loading.

FAA: Federal aviation administration.

FEMA FLOODPLAIN: Floodplains identified and delineated on the FIRMs issued by the federal emergency management agency (FEMA) for unincorporated Grundy County as amended.

FACADE: See definition of Building Front.

FALL ZONE: The area, defined as the farthest distance from the tower base, in which a guyed tower and blade will collapse in the event of a structural failure.

FAMILY: A group of individuals living together and functioning as a single housekeeping unit, using certain rooms and housekeeping facilities in common. The following individuals shall qualify as a family for the purposes of this UDO:

- A. One person or two (2) or more persons each related to the other by blood, marriage, or legal adoption,
- B. Persons placed in foster care by an authorized agency.
- C. Live-in domestic workers employed by the resident household to conduct cleaning, cooking, gardening, and similar tasks.
- D. Not more than four (4) other unrelated individuals.
- E. In addition to subsection D of this definition, not more than two (2) room boarders or permanent guests, whether or not gratuitous.

FARM: The land, buildings, structures and machinery which are primarily adapted and used for agricultural purposes.

FASCIA: A band located at the top edge of a building but below the actual roofline and above the building wall. Fascia material is often of a different type than either the actual roof or the building wall.

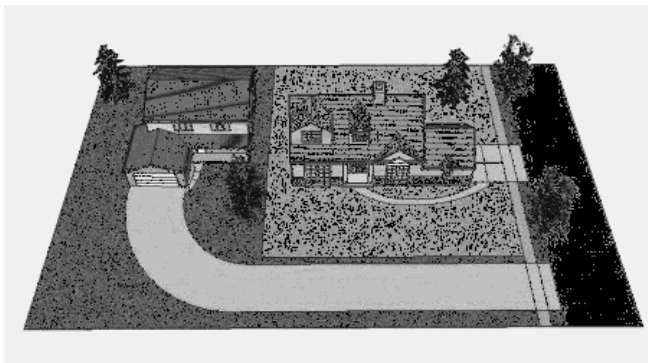
FEEDER LINE: Any power line that carries electrical power from one or more wind turbines or individual transformers associated with an individual wind turbine to the point of interconnection with the electric power grid, in the case of interconnection with the high voltage transmission systems the point of interconnection shall be the substation serving the U-SWECS.

FENCE: Constructed barrier erected to enclose, screen, or separate areas and may include masonry walls designed and constructed for these purposes.

FINAL GRADE: Surface prior to excavation or filling. The vertical location of the ground or pavement surface after the grading work is completed in accordance with the site development plan.

FINANCIAL ASSURANCE: Reasonable assurance from a creditworthy party, examples of which include a surety bond, trust instrument, cash escrow, irrevocable letter of credit or combinations thereof.

FLAG (PENINSULAR) LOT: A tract of land having insufficient lot width along a road or at the minimum setback line to meet bulk standards for the district. Section 8-2-3-11, "Residential Development", of this title lists alternative development requirements for this lot type. (See example below.)



FLOOD: A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

FLOOD FRINGE: That portion of the floodplain outside of the regulatory floodway.

FLOOD INSURANCE RATE MAP: A map prepared by the federal emergency management agency that depicts the floodplain or special flood hazard area (SFHA) within a community. This map includes insurance rate zones and may or may not depict floodways and show base flood elevations.

FLOOD INSURANCE STUDY: An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

FLOOD PROTECTION ELEVATION (FPE): The elevation of the base flood plus one foot (1') of freeboard at any given location in the floodplain.

FLOODPLAIN: A relatively flat or low lying land area adjoining a river, stream, or watercourse which is subject to periodic, partial or complete inundation by water from any source during the base flood.

FLOODPLAIN AND SPECIAL FLOOD HAZARD AREA (SFHA): These two (2) terms are synonymous. Those lands within the jurisdiction of the county that are subject to inundation by the base flood. The floodplains of the county are generally identified on the countywide flood insurance rate map of Grundy County prepared by the federal emergency management agency and dated August 2, 2012. Floodplain also includes those areas of known flooding as identified by the community.

FLOODPROOFING: Any combination of structural and nonstructural additions, changes, or adjustments to properties and structures which reduce or eliminate flood damage to lands, water and sanitary facilities, structures and contents of buildings.

FLOODPROOFING CERTIFICATE: A FEMA form to be completed by a professional engineer or surveyor to certify that a floodproofed nonresidential building has been constructed in accordance with NFIP requirements.

FLOODWAY: That portion of the floodplain required to store and convey the base flood. The floodway for the floodplains of the Illinois River, Kankakee River, Des Plaines River, Mazon River, East Fork Mazon River, East Fork Mazon River Tributary, Aux Sable Creek, Nettle Creek, East Fork Nettle Creek, East Fork Nettle Creek Tributary, Gooseberry Creek, West Fork Gooseberry Creek and Claypool Drainage Ditch shall be as delineated on the countywide flood insurance rate map of Grundy County prepared by FEMA and dated August 2, 2012. The floodways for each of the remaining floodplains of Grundy County shall be according to the best data available from federal, state, or other sources.

FLOOR AREA, GROSS: See definition of Gross Floor Area (GFA).

FOOT-CANDLE: A unit measuring the amount of illumination produced on a surface. One foot-candle is the amount of illumination falling on all points which are one foot (1') from a uniform point source of one candle.

FOREST: An area covered by a canopy of woody plants (trees) that qualifies as mature and/or young. It may also be a woodland, woodlot, grove, or stand of trees meeting the specifications of the forest type.

FOREST MANAGEMENT PRACTICES: That combination of generally accepted methods for preserving, promoting and protecting silviculture, which may include selective cutting, burning and removal of trees.

FOREST, MATURE: An area or stand of trees whose total combined contiguous canopy covers an area of one acre or more composed of canopies of trees having a dbh of at least eighteen inches (18") or greater covering at least seventy five percent (75%) of that area.

FOREST, YOUNG: An area or stand of trees whose total combined canopy covers an area of one acre or more, with canopy trees having a dbh of six inches (6") and covering at least sixty percent (60%) of the area. However, no trees kept or grown for commercial purposes shall be considered a young forest.

FORESTER: A person possessing a bachelor's degree in forestry from a college or university accredited by the Society Of American Foresters or licensed in midwest states maintaining licensing programs.

FORMER CODES: Titles 7, 8 and 9 of this code in existence prior to the adoption of this unified development ordinance and prior to any update amendments adopted by county board.

FORMER ZONING DISTRICT: All Grundy County zoning districts (zoning designations) prior to the adoption of this unified development ordinance.

FREEBOARD: An increment of elevation added to the base flood elevation to provide a factor of safety for uncertainties in calculations, future watershed development, unknown localized conditions, wave actions and unpredictable effects such as those caused by ice or debris jams.

FRONT LOT LINE: See definition of Lot Line.

FUNCTIONAL CLASSIFICATION OF STREETS: See definition of Street Functional Classification.

GARAGE, PRIVATE: A garage accessory to a principal building and in which no business, service or industry is conducted.

GARAGE, PUBLIC: A garage available to the public for free or fee.

GEOLOGIST: An individual technically and legally qualified to practice the profession of geology and who is registered to do so in the state of Illinois.

GOVERNMENTAL BODY: Any federal, state, or local government including the departments, agencies, commissions, and instrumentalities thereof.

GRADE: The natural level of the ground adjoining the object whose height is to be measured. Where grade refers to a street or road, it is the existing grade at that point.

GRADING: The excavation, filling (including hydraulic fill) or stockpiling of earth materials, or any combination thereof, including the land in its excavated or filled condition.

GREENWAY: A linked system of open spaces, park lands, historic and cultural sites, wildlife management areas and natural preserves. Connecting corridors between such resources generally will be linear in nature and can include such features as natural areas, hiking trails, bike paths, city sidewalks, stream corridors, rivers, abandoned railroad rights of way, or scenic roads.

GROSS AREA: The total land and water surface area contained within the boundaries of a lot or tract.

GROSS FLOOR AREA (GFA): The sum of the total horizontal areas of every floor of every building on a lot. The measurement of gross floor area shall be computed by applying the following criteria:

- A. The horizontal square footage is measured from the outside face of all exterior walls.
- B. Cellars, basements, penthouses, attics, enclosed storage or mechanical areas, mezzanines and similar structures shall be included as GFA wherever at least five feet (5') are provided between the finished floor and the ceiling.
- C. Except upper floor areas in open atriums no deduction shall apply for horizontal areas void of actual floor space, for example, elevator shafts and stairwells.
- D. All parking structures count toward GFA unless specifically exempted by other sections of this UDO.
- E. Unheated structures or buildings, not fully enclosed whether temporary or permanent and exposed to the elements through the absence of walls on at least twenty five percent (25%) of its perimeter shall not be counted as GFA.

GROUNDWATER: A portion of the subsurface water that occurs beneath the water table in soils and geologic formations that are fully saturated.

HAZARDOUS SUBSTANCE: Any substance as found in 40 CFR 116, designation of hazardous substances.

HEIGHT, BUILDING: The maximum height of a building permitted on a lot. Building height is determined from the vertical distance as measured from the median level of the finished grade adjacent to the exterior walls of the building to the highest point of the building, excluding chimneys and antenna.

HIGHWAY: Any road, thoroughfare, street, boulevard, lane, court, trailway, right of way or easement used for, or laid out and intended for, public passage of vehicles or persons.

HISTORIC STRUCTURE: Any structure that is:

A. Listed individually in the national register of historic places or preliminarily determined by the secretary of the interior as meeting the requirements for individual listing on the national register.

B. Certified or preliminarily determined by the secretary of the interior as contributing to the historic district or a district preliminarily determined by the secretary to qualify as a registered historic district.

C. Individually listed on the state inventory of historic places by the Illinois historic preservation agency.

D. Individually listed on a local inventory of historic places that has been certified by the Illinois historic preservation agency.

HOME OCCUPATION: Any gainful business, occupation, or profession conducted within a dwelling unit by a member of the family residing in the dwelling unit that is incidental and secondary to the use of the dwelling unit for dwelling purposes.

HOMEBUYER: Any person whose intent is to accept a deed to a lot or dwelling unit.

HOMEOWNER: Those individuals who accept a deed to a lot or dwelling unit.

HYDRIC SOILS: Soils which in their natural, undrained state are wet frequently enough at or near the surface to periodically produce anaerobic conditions, thereby influencing plant species composition and/or growth.

HYDROPHYTIC VEGETATION: Those plants which are adapted to life in saturated soil conditions.

IDNR/OWR: Illinois department of natural resources/office of water resources.

IMPERVIOUS SURFACE RATIO (ISR): The proportion of a development that is impervious surface. It is determined by dividing the area in impervious surface by the base site area.

IMPERVIOUS SURFACES: Areas that do not allow significant amounts of water to penetrate.

INFILTRATION: The passage or movement of water through the soil profile.

INTENSITY: The degree to which land is allowed to be used for development. See definition of Density.

INTERIOR STREET: A right of way that provides vehicular access within a manufactured home park or development that is not dedicated or intended to be dedicated to the county and that is not maintained by the county.

INTERMITTENT STREAM: A channel with banks and a bed within which concentrated water flows some of the time.

INVASIVE WOODY PLANTS: Trees and other woody plants which have a tendency to spread, encroach, or infringe on other plant species, often displacing less hardy species.

LAND DEVELOPMENT, MAJOR: See definition of Major Land Development.

LAND DEVELOPMENT, MINOR: See definition of Minor Land Development.

LAND DISTURBANCE: Changing the composition or character of the land or vegetation on the site. This includes cutting trees, clearing and grading operations, grading, excavation, removal or destruction of the ground cover. Disturbance includes the act of preparing a site for a building. The act of construction of a building or any portion of a building is not covered by the term land disturbance and would be regulated by the land uses category.

LAND GRADING: See definition of Grading.

LAND, IMPROVED: Vacant land that has been provided with electrical power, water, wastewater collection, streets and sidewalks, and other infrastructure.

LAND USE APPLICATION: Any building permit application, zoning permit application, subdivision or land development plan application, rezoning application, limited use application, special use application, variance application, appeals, or any other application made to the department which, if granted, would have the effect of permitting the development or use of land.

LAND USE DEPARTMENT: Consists of the building and zoning officer, planner, and director.

LANDOWNER: Any person, firm, partnership, corporation, or any other entity who possesses a legal interest in property.

LANDSCAPE PLAN: A plan indicating the placement of trees, shrubs, ground cover and affiliated structures and improvements, including specifications, species, quantities and installation as prepared by an Illinois registered landscape architect.

LANDSCAPE SURFACE AREA: Surface area of land not covered by any buildings, storage areas, or impervious surface. These areas shall be maintained as lawn or a natural area and may be left undisturbed. (See example below.)



LANDSCAPE SURFACE RATIO (LSR): The area of landscaped surface divided by the base site area.

LANDSCAPING: The design and installation of plant material such as lawns, ground cover, trees, bushes, etc., in formal, informal, or natural arrangements.

LEACHABLE WASTES: Waste materials including, without limitation, solids, sewage sludge and agricultural residue which may release waterborne

contaminants to the surrounding environment.

LEACHATE: Liquid that has passed through, contacted or emerged from dry waste and contains dissolved, suspended or miscible materials, chemicals and microbial waste products removed from the dry waste.

LESSEE: Any person who leases all or a portion of a premises on a day to day, week to week or month to month basis.

LETTER OF MAP AMENDMENT (LOMA): FEMA's comment on a proposed structure or group of structures that would, upon construction, be located on existing natural ground above the base (1 percent annual chance) flood elevation on a portion of a legally defined parcel of land that is partially inundated by the base flood.

LETTER OF MAP REVISION (LOMR): FEMA's modification to an effective flood insurance rate map (FIRM), or flood boundary and floodway map (FBFM), or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or the special flood hazard area (SFHA). The LOMR officially revises the FIRM or FBFM, and sometimes the flood insurance study (FIS) report, and, when appropriate, includes a description of the modifications. The LOMR is generally accompanied by an annotated copy of the affected portions of the FIRM, FBFM, or FIS report.

LEVEL OF SERVICE (LOS): A measure of traffic on a roadway segment or intersection being used during peak hours, as determined by the most current version of report 209, the "Highway Capacity Manual", prepared by the national research council's transportation research board. Level of service is expressed on a scale of "A" to "F" with "A" indicating the best level of service and "F" indicating the worst. The definitions of levels of service "A" through "F" shall be those contained in the references cited in this definition.

LOADING SPACE: A durably paved, properly designed for drainage, off street space used for the loading and unloading of vehicles, except passenger vehicles, in connection with the use of the property on which such space is located.

LOCAL RESIDENTIAL ACCESS STREET: See definition of Street, Local Residential Access.

LOCAL STREET: See definition of Street, Local.

LOT: A parcel of land whose boundaries have been established by a legal instrument such as a recorded deed, court order or a recorded plot that is recognized as a separate legal unit for purposes of transfer of title.

LOT AREA: The area of a lot taken at its perimeter exclusive of any portion within a public or private street right of way.

LOT COVERAGE: That portion of the lot area that is covered by buildings.

LOT, EXTENSION (PENINSULAR): See definition of Flag (Peninsular) Lot.

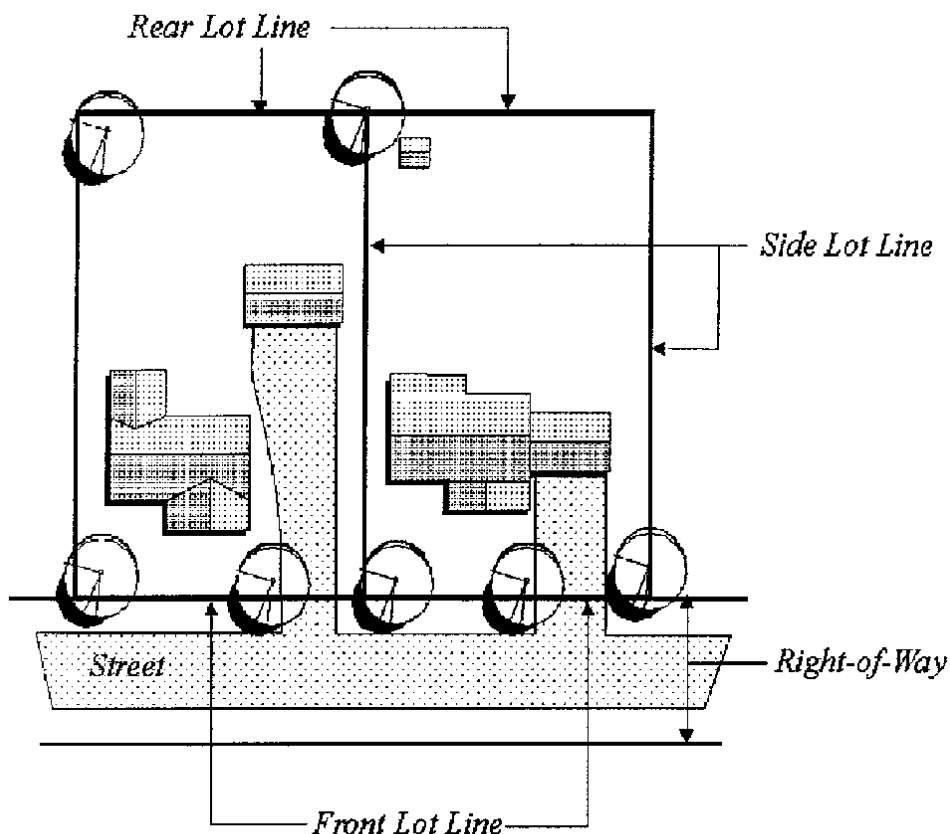
LOT LINE: A property line dividing one lot from another or from a street or other public place. A lease line shall not be interpreted to be a lot line. There are basically four (4) types of lot lines - front, rear, side, and street. (See figure below.)

Front Lot Line: The street lot line from which the unit takes access; or where more than one street yard could safely provide this access, the street serving the smallest traffic volume.

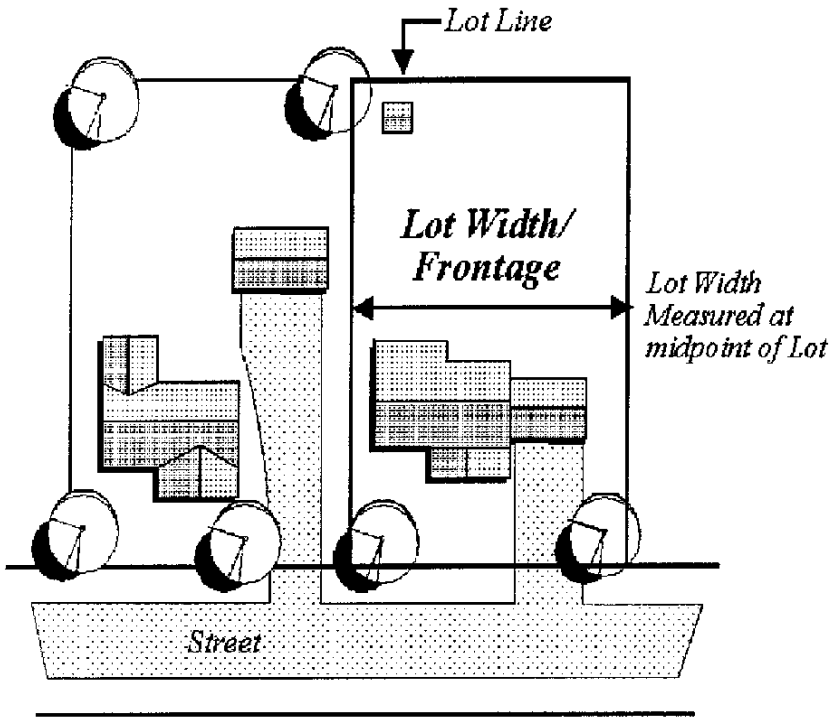
Rear Lot Line: The lot line opposite or nearly opposite the front lot line. In the case of a lot without a clearly identified rear lot line, that line shall be construed to be a ten foot (10') long line drawn parallel with the front street line.

Side Lot Line: The lot line that runs generally perpendicular or at angles to the street or any line that is not a front, street or rear lot line.

Street Lot Line: Any lot line that is also a street right of way line.



LOT WIDTH: The distance across the lot (side lot line to side lot line) at the minimum front setback line.



LOWEST FLOOR: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor. Provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of title 6 of this code.

LUMINAIRE: A complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts ready to be mounted on pole or other location.

LUMINAIRE, CUTOFF TYPE: See definition of Cutoff Type Luminaire.

MAINTENANCE GUARANTEE: A guarantee of facilities or work to ensure the correction of any failures of any improvements required pursuant to this UDO, or to maintain same.

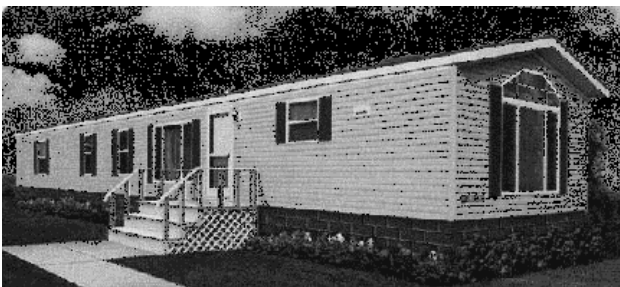
MAINTENANCE ORGANIZATION: An organization approved by Grundy County that is legally responsible for owning, maintaining, and/or managing open space. A maintenance organization may be a condominium association, a third party conservancy, or a maintenance corporation.

MAJOR CHANGE: A change to the plan that increases density or floor area, decreases open space, buffer yards, or parking, or which alters the alignment or layout of streets by more than five feet (5'). For special use approvals granted prior to the adoption of this UDO, any use proposed not contained in the original advertisement shall be considered a major change.

MAJOR LAND DEVELOPMENT: A plan that proposes one or more of the following:

- A. A new public or private street.
- B. Buildings or expansions that exceed the limits of subsection B of the definition of Minor Land Development.
- C. A subdivision of land resulting in more than five (5) lots.
- D. Apartment or multi-family development of ten (10) or more dwelling units.

MANUFACTURED HOME: A dwelling unit that is fabricated in an off site manufacturing facility for installation or assembly at the building site, bearing a seal certifying that it is built in compliance with standards promulgated by the U.S. department of housing and urban development (HUD), pursuant to 42 USC section 5403, construction and safety standards, and certified as provided in 77 Illinois administrative code 880.



MANUFACTURED HOME PARK: (See section 8-2-5-17, "Manufactured Home Park Or Subdivision", of this title.) An area of land upon which manufactured homes are harbored, either free of charge or for revenue purposes, and shall include any building, structure or enclosure used, or intended for use, as part of the manufactured home park.

MANUFACTURED HOME SITE: (See section 8-2-5-17, "Manufactured Home Park Or Subdivision", of this title.) A plot of land within a manufactured home park designed for the accommodation of a single manufactured home unit.

MARQUEE: A hood or permanent roof type construction that projects from the wall of a building above an entrance for movie theaters, banquet hall, hotel, and similar uses.

MAXIMUM PERMITTED ILLUMINATION: The most illumination, measured in foot-candles, that is allowed at the interior lot line at ground level.

MEADOW: A grassland condition either planted or a result of natural succession that has been established for at least five (5) years. Areas with shorter establishment periods shall be considered disturbed land.

MEAN SURFACE WATER ELEVATION: The observed limit of dry weather flow elevation in a watercourse.

METEOROLOGICAL TOWER: Meteorological towers are those towers which are erected primarily to measure wind speed and directions plus other data relevant to siting U-SWECS. Meteorological towers do not include towers and equipment used by airports.

MINIMIZE: To reduce to the smallest amount possible using best management practices. "Minimize" shall not mean complete elimination, but shall require that the most substantial efforts possible under the circumstances have been taken to reduce the adverse effect of the action required to be minimized.

MINOR CHANGE: A change to the plan that does not increase density or floor area, does not decrease open space, buffer yards or parking, or alter the alignment or layout of streets by more than five feet (5').

MINOR LAND DEVELOPMENT: A plan that proposes one or more of the following:

- A. A subdivision of land resulting in not more than two (2) lots having an overall acreage of less than five (5) acres.
- B. Except for single-family dwellings and accessory structures on existing fee simple lots, land development proposing new buildings or additions one thousand (1,000) square feet gross floor area (GFA) or less.

MITIGATION: Any action taken to lessen the specified undesirable impacts of a proposed land use or land disturbance activity, including those which would adversely affect the health or longevity of a natural feature, pose a visual intrusion or conflict, or otherwise be deemed incompatible with surrounding properties.

MOBILE HOME: (See section 8-2-5-17, "Manufactured Home Park Or Subdivision", of this title.) A structure constructed before June 15, 1976, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation. This definition shall not include motor homes or recreational vehicles.

MOBILE HOME PARK: A lot, parcel, or tract of land developed with facilities for accommodating two (2) or more mobile homes, provided each mobile home contains a kitchen, flush toilet, and shower or bath; and such park shall be for use only by nontransient dwellers remaining continuously for more than one month, whether or not a charge is made. It shall not include a sales lot in which automobiles or unoccupied mobile homes or other trailers are parked for the purpose of inspection or sale, except mobile homes located on a site in the mobile home park which are occupied or vacant for not more than ninety (90) days after occupancy may be sold or offered for sale.

MONUMENT: A stone or concrete boundary marker, as required by this UDO, intended to fix the physical location of property lines.

MOTOR VEHICLE: Shall include:

- A. A passenger vehicle, truck, truck trailer, trailer, or semitrailer propelled or drawn by mechanical power.
- B. A motorcycle, motor bike, or recreational vehicle.
- C. A boat or boat trailer.

NFIP: National flood insurance program.

NAMEPLATE: A sign indicating the name and address of a building, or the name of one of its occupants, and the type of operation being practiced by that occupant.

NATIONAL GEODETIC VERTICAL DATUM (NGVD): Elevations referenced to mean sea level datum of the 1929 or 1988 U.S. geological survey.

NATURAL DRAINAGE: Channels formed in the existing surface topography of the earth prior to changes made by unnatural causes.

NATURAL RESOURCE MANAGEMENT PLAN: A supplemental plan associated with residential major subdivision plans, applicable to the natural resource area open space, which shall be referenced on the record plan as being an integral part of the record plan detailing the disposition, use and maintenance for all natural resource area open spaces. The plan shall include:

- A. **Executive Summary:** A brief description of the contents of the plan and the natural resource area open space to be managed. The ownership of natural resource area open space shall also be identified.
- B. **Description Of Existing Conditions:** Narrative description of protected resources on site, including natural and scenic resources. The discussion of natural resources shall include a list of species found on the site and the overall condition and health of the natural systems. Other resources shall be similarly discussed, including their health and condition or significance.
- C. **Goals And Objectives:** Overall goals and objectives for managing natural resource area open space shall be established along with methods of measuring the implementation of such objectives to help in determining that the goals are met.
- D. **Management Measures:** A description of proposed activities, budget and schedule for managing and restoring natural resource area open space pursuant to the goals and objectives identified in subsection C of this definition.
- E. **Maintenance And Operation Plan:** Identification of any annual or periodic maintenance and operation of natural resource area open space necessary to implement the management plan.

NEW CONSTRUCTION: Structures for which the start of construction commenced or after the effective date of floodplain management regulations adopted by a community and includes any subsequent improvements of such structures.

NONCONFORMING BUILDING: A building, structure or parts thereof lawfully existing at the time this UDO or a subsequent amendment to this UDO became effective which does not conform to the dimensional requirements of the district in which it is located.

NONCONFORMING LOT: A lot, legally established prior to the adoption of this UDO, which does not meet the standards of the district in which it is located. This can involve minimum area, buildable area, or dimensional requirements of the lot.

NONCONFORMING SIGN: Any sign, legally established prior to the adoption of this UDO, which does not fully comply with the standards of this UDO.

NONCONFORMING SITUATION: A building/structure or the use of a lot or building/structure lawfully existing at the time this UDO or a subsequent

amendment to this UDO became effective which does not conform to the dimensional and/or use requirements of the district in which it is located.

NONCONFORMING USE: A use of land or use of a building/structure lawfully existing at the time this UDO or a subsequent amendment to this UDO became effective which does not conform to the use requirements of the district in which it is located.

NONDELINEATED FLOODPLAIN: An area subject to a 100-year flood, for which FEMA has not delineated a floodplain, adjacent to a watercourse that is also identified by a blue line on the current United States geological survey (USGS) topographic maps of the county, or adjacent to a watercourse that is identified as a "stream" in the detailed maps of the Grundy County soil survey.

OPACITY: The measurement of the screening effectiveness of a landscape buffer or fence expressed as the percent of vision that the screen blocks.

OPEN SPACE: Parcels of land within a residential subdivision, exclusive of streets and lots, generally preserved in a natural state or improved to provide common amenities for the residents of the subdivision. Open space shall be categorized as either natural resource area open space or community area open space. Open space is intended to preserve environmentally sensitive areas and protected resources, provide active and passive recreation facilities, establish greenways, provide wildlife habitats, facilitate stormwater management functions, and landscaped buffer yards. Both natural resource area open space and community area open space can be public or private and would be annotated as such on the development record plan and/or deed.

OPEN SPACE RATIO (OSR): The proportion of a development required to be left in open space. It is determined by dividing the area in open space by the base site area. When applied to resource protection, the open space ratio shall mean that percentage of the resource feature to be protected and/or preserved in the total land area in that resource.

OPEN SPACE SUBDIVISION: A development pattern or design technique in which lots are grouped together rather than spread evenly throughout a parcel as in conventional subdivision development. Clustering development allows the remaining land to be used for recreation, open space and the preservation of natural resources. (See figure below.)



OPERATOR: The entity responsible for the day to day operation and maintenance of the U-SWECS, including any third party subcontractors.

OVERLAY DISTRICT: A district that is applied over other zoning districts and which may modify the permitted uses or intensity of use.

OWNERS: The entity or entities with an equity interest in the U-SWECS, including their respective successors and assigns. Owner does not mean the property owner from whom land is leased for locating the U-SWECS (unless the property owner has an equity interest in the U-SWECS) or any person holding a security interest in the U-SWECS solely to secure an extension of credit, or a person foreclosing on such security interest provided that after foreclosure, such person seeks to sell the U-SWECS within one year of such event.

PARCEL: See definition of Lot.

PARK: An area open to the general public and reserved for recreational, educational or scenic purposes.

PARKING SPACE: An area of land, or enclosed within a building, designated for the parking of one motor vehicle.

PASSIVE RECREATION: Recreational uses, areas or activities oriented to noncompetitive activities which either require no special equipment or are natural areas. Bicycle riding, hiking and birdwatching are examples of passive recreation activities.

PAVED AREA: See definition of Impervious Surfaces.

PEAK HOURS OR PEAK PERIODS: In general, periods from seven o'clock (7:00) A.M. to nine o'clock (9:00) A.M. and from four o'clock (4:00) P.M. to six o'clock (6:00) P.M. on weekdays. A peak hour is a sixty (60) minute period occurring within a peak period. Different peak hours may be established by the department, based on type of development or traffic counts on a street.

PEDESTRIANWAY: A publicly or privately owned right of way or easement for pedestrian or bicycle use.

PERCOLATION TESTS: See definition of Soil Borings And Percolation Tests.

PERENNIAL STREAM: A channel with banks and a bed within which concentrated water flows all of the time.

PERFORMANCE GUARANTEE: See definition of surety.

PERMITTED USE: Any use that is or may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations, and, when applicable, performance standards of this title for the district in which such use is located.

PERMITTEE: Any person to whom a site development permit is issued.

PERSON: An individual person, firm, partnership, association, corporation, company or organization of any kind.

PERVIOUS: A description of a surface that presents an opportunity for precipitation to infiltrate into the ground.

PLAN, EXPLORATORY SKETCH: An informal plan indicating salient existing features of a tract and its surroundings and including the general layout of a proposed subdivision or land development.

PLAN, MAJOR LAND DEVELOPMENT: A plan depicting a major land development which may include the subdivision of land.

PLAN, MINOR LAND DEVELOPMENT: A plan depicting a minor land development which may include the subdivision of land.

PLAN, PRELIMINARY: A plan of a subdivision or of a land development, including all required supplementary data, showing the approximate proposed street and lot or site layout, or a plan of existing private streets to be dedicated to public use, as a basis for consideration by the department and the Development Review Committee prior to the preparation of a record plan.

PLAN, RECORD: A complete subdivision or land development plan, including all required supplementary data, which defines property lines, proposed streets and other improvements, and easements; or a plan of private streets to be dedicated to public use.

PLAN, RECORD STREET: A minor land development plan the sole purpose of which is to dedicate private streets to public use.

PLANNED DEVELOPMENT: A form of cluster development and residential use type. See section 8-3-3, "Planned And Cluster Development", of this title.

PLANNING AND ZONING COMMITTEE: The Planning and Zoning Committee of the Grundy County Board.

PLANS, CONSTRUCTION: The architectural or engineering drawings showing the construction details and the types of material for the physical structures and facilities, excluding dwelling units, to be installed in conjunction with the development of the project.

PLOT: See definition of parcel.

PRIMARY STRUCTURE: The structure that one or more persons occupy the majority of the time on that property for either business or personal reasons. Primary structure includes structures such as residences, commercial buildings, hospitals and daycare facilities. Primary structure excludes structures such as hunting sheds, storage sheds, pool houses, unattached garages and barns.

PRINCIPAL BUILDING OR USE: The main use on a property in terms of size, area, and function. See definitions of accessory building or structure or accessory use.

PROFESSIONAL ENGINEER: A qualified individual who is licensed as a professional engineer in the State of Illinois.

PROPERTY LINE: See definition of lot line.

PROPERTY LINE (U-SWECS): The boundary line of the area over which the entity applying for U-SWECS permit has legal control for the purposes of installation of a U-SWECS. This control may be attained through fee title ownership, easement, or other appropriate contractual relationship between the project developer and the landowner.

PUBLIC CONSERVATION LANDS: Land owned in fee title by state or federal agencies and managed specifically for conservation purposes, including, but not limited to, state wildlife management areas, state parks, state scientific and natural areas, federal wildlife refuges and waterfowl production areas. For the purposes of this definition public conservation lands will also include lands owned in fee title by nonprofit conservation organizations. Public conservation lands do not include private lands upon which conservation easements have been sold to public resource management agencies or nonprofit conservation organizations.

PUBLIC IMPROVEMENT: Any improvement, facility or service, together with customary improvements and their appurtenances, necessary to provide for public needs such as: streets, alleys, pedestrian walks or paths, storm sewers, flood control improvements, water supply and distribution facilities, sanitary sewage disposal and treatment, public utility and energy services.

PUBLIC UTILITIES: Include potable water; stormwater collection and treatment; sanitary sewage collection and treatment; oil, gas, heat, steam, and electricity distribution; and data, audio, and video networks that are made available to customers at their homes and businesses via pipes, wires, or cables. The phrase does not include individual sewer systems, private wells, on site stormwater detention or retention, propane storage, or on site geothermal heating and cooling systems. See also definitions in sections 8-16-2-4, "utilities, neighborhood"; 8-16-2-7, "heavy industry" and "utilities, community"; and 8-16-2-8 "utility scale wind energy conversion facilities" of this chapter.

RECREATION, ACTIVE: See definition of Active Recreation.

RECREATION, PASSIVE: See definition of Passive Recreation.

RECREATIONAL VEHICLE OR TRAVEL TRAILER: A vehicle which is:

- A. Built on a single chassis;
- B. Four hundred (400) square feet or less in size;
- C. Designed to be self-propelled or permanently towable by a light duty truck and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

REDEVELOPMENT: A process used to identify previously developed land that is now vacant, abandoned or underutilized real property where older structures if they exist are rehabilitated or replaced.

REFORESTATION: Replanting or planting of forest plant materials. Also includes planting in areas not originally forested for mitigation purposes.

REMOVAL: Cutting vegetation to the ground or stumps, complete extraction, or killing by spraying.

REPETITIVE LOSS: Flood related damages sustained by a structure on two (2) separate occasions during a ten (10) year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds twenty five percent (25%) of the market value of the structure before the damage occurred.

RESERVE STRIP: A parcel of ground in separate ownership separating a street from other adjacent properties or from another street.

RESIDENTIAL COLLECTOR STREET: See definition of Street, Residential Collector.

RESIDENTIAL DEVELOPMENT: New residential construction or new mixed use construction with a residential component.

RESPONSIBLE PERSON: An agent, tenant, individual, corporation, firm, partnership, or any other legal entity having a legal or equitable interest in property or owing a legal duty to same.

RESTORATION: The reasonable rehabilitation of the affected land for useful purposes and the protection of the natural resources of the surrounding area, including surface water and groundwater.

RETAINING WALL: A structure which holds an earthen embankment in place.

REVERSE FRONTAGE LOT: A lot extending between and having frontage on two (2) generally parallel streets. Also referred to as double frontage lot.

REZONING: An amendment to the zoning map.

RIGHT OF WAY: An area of land dedicated for public or private use to accommodate a transportation system, except that with some older lots in Grundy County, property lines may extend into the right of way. In no case shall a right of way be construed to mean an easement.

RIPARIAN BUFFER: An area on either side of a stream or around a body of water that is protected as open space and principally used to provide natural filtration of runoff into the water body.

ROAD, ARTERIAL: See definition of Street, Arterial.

ROAD, COLLECTOR: See definition of Street, Collector.

ROAD, LOCAL: See definition of Street, Local.

ROADWAY: The portion of a highway including the cartway and shoulders within a right of way.

ROOFLINE: The top of a roof or building parapet, excluding any cupolas, pylons, chimneys, or other minor projections.

ROTOR: An element of a wind energy system that acts as a multi-bladed airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.

ROTOR DIAMETER: The diameter of the circle described by the moving rotor blades.

RUNOFF: That portion of precipitation or snowmelt that has not evaporated or infiltrated into the soil, but flows on the land surface.

SFHA: See definition of Special Flood Hazard Areas (SFHA) and Floodplain.

SANITARY SEWAGE: Any liquid discharge from a structure or animal containment area, except roof drains.

SANITARY SEWAGE DISPOSAL, COMMUNITY: A sanitary sewage collection system in which sewage is carried from individual lots, by a system of pipes, to a small scale central treatment and disposal plant, generally serving a neighborhood area.

SANITARY SEWAGE DISPOSAL, ON LOT: A system in which sanitary sewage is collected from a single use or dwelling unit by a system of pipes and carried to a septic tank or mechanical treatment unit and an inground disposal area located within the boundaries of an individual lot.

SANITARY SEWAGE DISPOSAL, PUBLIC: A system in which sanitary sewage and wastewater are collected from multiple uses or dwelling units, by a system of pipes, and carried to a central disposal facility, generally serving a community or region.

SANITARY SEWER LINE: A sanitary sewer collection system in which sewage is carried from individual lots, by a system of pipes, to a central treatment and disposal plant, or to other pipes, that run to a central treatment and disposal plant.

SANITARY SEWER SYSTEM: A central treatment and disposal plant and related systems and pipes, including, but not limited to, sanitary sewer lines.

SCREEN, VISUAL: A physical device and/or landscaping, such as berms, walls or hedges, used to hide or conceal a use or structure from sight.

SEDIMENT: Soils or other surface materials transported and/or deposited by the action of wind, water, ice or gravity as a product of erosion.

SEDIMENT AND STORMWATER MANAGEMENT PLAN: A plan for the control of soil erosion, sedimentation, stormwater quantity and water quality impacts resulting from any land disturbing activity.

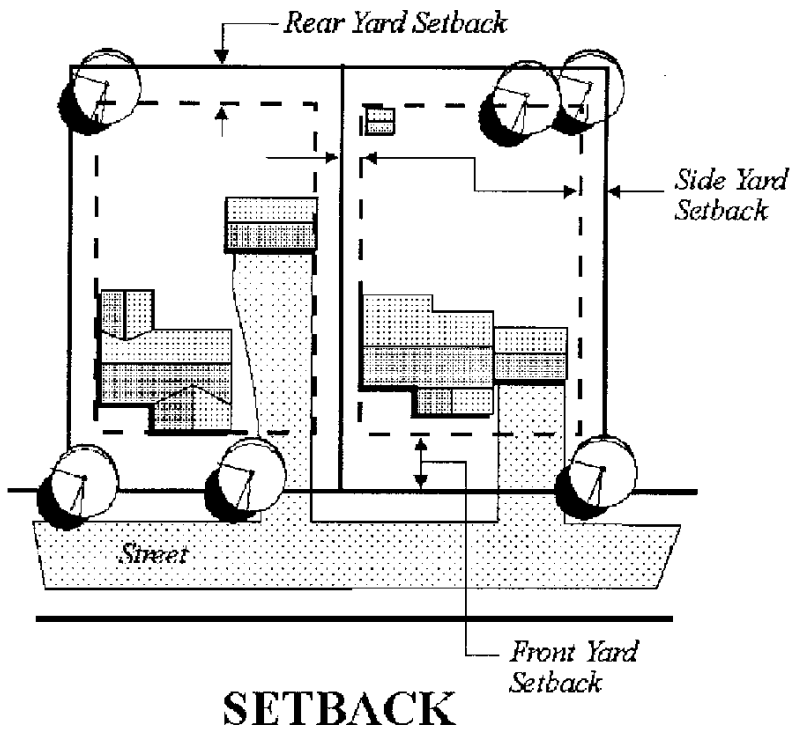
SELECTIVE CUTTING: The felling of certain, but not all, trees in an area for the purpose of:

- A. Removing dead, diseased, damaged, mature or marketable timber;
- B. Improving the quality of a tree stand or species; or
- C. Meeting personal domestic needs.

SEPTIC SYSTEM, INDIVIDUAL: See definition of Sanitary Sewage Disposal, On Lot.

SEPTIC TANK: A multiple compartment, watertight receptacle which receives sewage from a building and is designed and constructed so as to permit settling of solids from the sewage, digestion of the organic matter and discharge of the liquid portion into a disposal area.

SETBACK: A stated minimum distance on a lot as measured perpendicular from a lot line or a right of way, whichever is closest to the proposed structure.



SHADOW FLICKER: Alternating changes in light intensity caused by the moving blade of a wind energy system casting shadows on the ground and stationary objects, such as a window at a dwelling.

SIDEWALK: A pedestrianway extending along, parallel to and within an easement or the right of way of a public or private street.

SIGN: A name, identification, description, illustration, display or device that is affixed to, painted or represented on a building, structure or land antenna that directs attention to a product, place, activity, person, institution, or business.

A. A sign shall also include a permanent sign located within an enclosed building in such a manner as to be viewed or intended for view primarily from the exterior of the building, such as a store window.

B. However, a sign shall not include the following:

1. A court ordered or other official public notice.
2. The flag, emblem, or insignia of a nation, unit of government, school, or religious or charitable institution.

SILTATION CONTROL: The installation of such devices as sediment ponds, bales of straw, fencing, siltation webbing, sodding, seeding and mulching, or other devices to prevent silting of abutting properties and roadways during the period of construction, up to and including, such times as permanent ground cover is attained.

SINGLE LOT DEVELOPMENT: A development consisting of one or more buildings to be erected on a platted parcel of land or a single lot which is part of a subdivision, intended to be separately owned, developed and otherwise used as a unit.

SITE: The lot on which the residence or manufactured home is located for habitation. See definition of Manufactured Home Site.

SITE ANALYSIS PLAN: For all major residential subdivisions, the applicant shall be required to submit a site analysis plan as the first phase of the exploratory sketch plan review process. The site analysis plan shall serve as a basis for the planning process and shall be used to determine the best areas of the site for open space preservation, land conservation and development. The site analysis plan allows both the applicant and the department the opportunity to utilize the natural site conditions to determine how the development of each tract can be designed to minimize environmental degradation while achieving highest possible community character design standards.

SITE DEVELOPMENT: Altering terrain and/or vegetation and constructing improvements.

SITE DEVELOPMENT AGREEMENT: A properly executed and legally binding contract between the developer of a parcel of land and Grundy County to proceed with development as noted therein.

SITE DEVELOPMENT PERMIT: A permit issued by the county for the construction or alteration of ground improvements and structures for the control of erosion, runoff and grading.

SITE PLAN: A plan or drawing showing the location of buildings, parking, or other elements that is used for the issuing of approvals other than subdivision plans or land developments. The drawings shall show sufficient detail to enable the department to determine whether the standard requiring a site plan has been met.

SLOPE, STEEP: The term "slope" is defined as the vertical change in elevation divided by the horizontal distance over which that vertical change occurs. The steep slope area consists of two (2) areas which are delineated and defined as follows:

Moderate Slope: Those of fifteen (15) to twenty five percent (25%) slope as based on a site survey, where such slope exists in any continuous horizontal span of fifty feet (50') or more. These definitions do not include manmade steep slopes resulting from the implementation of an approved plan.

Prohibitive Slope: Those of greater than twenty five percent (25%) slope as based on a site survey, where such slope exists in any continuous horizontal span of fifty feet (50') or more.

SOIL BORINGS AND PERCOLATION TESTS: Field tests conducted and used in judging the suitability of soil for on site, subsurface sewerage and seepage systems. The borings indicate the soil formations penetrated and groundwater conditions. The percolation tests give an indication of the

absorptive capacity of the soil and provide a basis for the design of seepage facilities.

SOIL STABILIZING FUNCTION: A plant or structure which encourages resistance of soil to erosion, soil creep or other movement which results in net loss of soil from an area.

SOUND PRESSURE: Average rate at which sound energy is transmitted through a unit area in a specified direction. The pressure of the sound measured at a receiver.

SOUND PRESSURE LEVEL: The sound pressure mapped to a logarithmic scale and reported in decibels (dB).

SPECIAL FLOOD HAZARD AREAS (SFHA): The land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year.

SPECIAL USE: A use having some special impact that requires careful review and approval of the location, design, configuration, and the desirability of allowing its establishment on any given site based on the conditions stated in section 8-2-5 of this title.

STABILIZATION: The prevention of soil erosion by surface runoff or wind through the establishment of vegetative or structural soil coverage measures. Examples include, but are not limited to, straw mulch with temporary or permanent vegetation, wood chips and stone or gravel ground cover.

START OF CONSTRUCTION: Includes substantial improvement and means the date the building permit was issued. This, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement or other improvement, was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation or placement of a manufactured home on a foundation. For a substantial improvement, actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building whether or not that alteration affects the external dimensions of the building.

STORY, FIRST: The ground floor story of a building, provided its floor level is not more than four feet (4') below the mean lot level adjacent to the foundation.

STORY, HALF: A story under a sloping roof at the top of the building, the floor of which is not more than two feet (2') below the wall plate.

STREET: A strip of land, comprising the entire area within the right of way, intended for use as a means of vehicular and pedestrian circulation to provide access to more than one lot. However, the establishment of a common driveway for access purposes for no more than four (4) separate parcels contiguous to one another shall not be considered a street as this term is defined.

STREET, ARTERIAL: Streets that generally carry high traffic volumes over longer distances. Arterial streets generally connect other arterials and/or collectors. Although arterial streets sometime connect local streets, they rarely provide direct access to individual lots. Streets classified as arterial on the most recent version of the Grundy County comprehensive plan are considered arterial streets in this UDO.

STREET, COLLECTOR: Streets that generally carry medium traffic volumes over shorter distances. Although collector streets connect all types of streets, they rarely provide direct access to individual lots. Streets classified as collector on the most recent version of the Grundy County comprehensive plan are considered collector streets in this UDO.

STREET, CUL-DE-SAC: A short, independent, minor street having only one point of entrance and exit, terminating in a circular turnaround or other approved termination.

STREET FRONTAGE: The linear measurement of a parcel along a street line, private road or right of way to which the parcel abuts.

STREET FUNCTIONAL CLASSIFICATION: The ranking of streets in a hierarchy, based on the type of service they provide. Streets comprise a network, with individual streets carrying traffic within the network. As links in a network, streets provide two (2) types of service mobility for through traffic and access to adjacent lands. Streets are ranked according to the proportion of each type of service they perform. Arterial streets, which emphasize mobility, are at the highest level of the street hierarchy. Collector streets, which provide both mobility and access, are in the middle of the hierarchy. Local streets, which emphasize access, are at the lowest level of the street hierarchy. This UDO recognizes the functional classification of individual streets on the most recent Grundy County comprehensive plan.

STREET LINE: A property line of a lot which coincides with a line indicating the limits of an existing or proposed right of way.

STREET, LOCAL: Streets that generally carry low traffic volumes over short distances. Local streets generally provide access to adjacent lots and connect to other local and/or collector streets. Local streets rarely provide direct access to arterial streets. Streets classified as local on the most recent version of the Grundy County comprehensive plan are considered local streets in this title.

STREET, LOCAL RESIDENTIAL ACCESS: A street that provides access to individual residential lots and abutting properties.

STREET, MARGINAL ACCESS: A local street, parallel and adjacent to an arterial street, but separated from it by a long strip, which provides access to abutting properties and control of intersections with the major street.

STREET, MINOR: See definition of Street, Local.

STREET, PRIVATE: Any street right of way not dedicated to public use.

STREET, PUBLIC: Any street right of way dedicated to public use or maintained by the state, county, or any municipal or township government.

STREET, RESIDENTIAL COLLECTOR: A street that serves or is designed to serve as the connection from minor streets in residential areas to the arterial street system (such as the main entrance street of a residential subdivision that includes a network of lesser streets) or as a secondary connection between arterial streets that runs through or among residential neighborhoods.

STREET RIGHT OF WAY: See definitions of Street and Right Of Way.

STRIPPING: Any activity which removes the vegetative surface cover; including tree removal, clearing, and storage or removal of topsoil.

STRUCTURAL ALTERATIONS: Any change in the supporting members of a building such as bearing walls, columns, beams or girders and floor joists, ceiling joists, roof rafters or stairways.

STRUCTURE: Any manmade object having an ascertainable stationary location on land or in water, whether or not affixed to the land.

STRUCTURE, PERMANENT: A structure placed on or in the ground, or attached to another structure in a fixed position.

STRUCTURE, TEMPORARY: A structure that is designed to be repeatedly erected or inflated, tents and inflatable structures, or buildings that are picked up and moved.

SUBDIVISION:

A. The division or redivision of a lot, tract, or parcel of land, by any means, including by means of a plan or a description by metes and bounds, into two (2) or more lots, tracts, parcels or other divisions of land, for the purpose, whether immediate or future, of the transfer of ownership or of building development, exempting, however, the division of land for agricultural purposes into parcels of more than ten (10) acres not involving any new streets or easements of access, divisions of property by testamentary or intestate provision, or division of property under court order.

B. The division or allocation of land for the opening, widening or extension of any street or streets, or the division or allocation of land as open spaces for common use by owners, occupants or leaseholders, or as easements for the extension and maintenance of public sewer, water supply, storm drainage or other public facilities.

C. The elimination of one or more lot lines through the recordation of a deed that eliminates common property lines shall not be considered subdivision for purposes of this UDO, provided the resulting lot(s) is in conformance with this UDO. The deed shall indicate that the purpose of this deed is to comply with the definition of subdivision in chapter 6, "Subdivisions And Land Development", of this title, exempting subdivision review to eliminate one or more interior division lines affecting the herein described property.

SUBDIVISION, MAJOR: See definition of Major Land Development.

SUBDIVISION, MINOR: See definition of Minor Land Development.

SUBDIVISION REGULATIONS: Chapter 6, "Subdivisions And Land Development", of this title.

SUBSTANTIAL CONSTRUCTION:

A. Subdivisions: Payment of surety, the clearing and grading of the site, installation of roads and utilities and placing of initial foundations.

B. Land Developments: Installation of parking, circulation, stormwater facilities and installation of foundations.

SUBSTANTIAL DAMAGE: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT: Any reconstruction, rehabilitation, addition or improvement of a structure taking place during the life of the building in which the cumulative percentage of improvements:

Equals or exceeds fifty percent (50%) of the market value of the structure before the improvement or repair is started, or

Increases the floor area by more than twenty percent (20%).

"Substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. This term includes structures which have incurred repetitive loss or substantial damage, regardless of the actual repair work done. The term does not include:

A. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or

B. Any alteration of a structure listed on the national register of historic places or the Illinois register of historic places.

SUBSTANTIAL REHABILITATION: The reconstruction, enlargement, installation, repair, alteration, improvement or renovation of a building, structure, or portion thereof.

SUBSTANTIAL REPAIR: See definition of Substantial Improvement.

SUBSTATIONS: Any electrical facility designed to convert electricity produced by wind turbines to a voltage greater than thirty five thousand (35,000) kV for interconnection with high voltage transmission lines shall be located outside of the road right of way.

SUMPS: A point of comparatively low elevation that cannot be drained by means of surface flow.

SURETY: A form of financial guarantee that requires improvements to be made by providing the county with the resources to install the improvements should the developer fail to do so. These include, bonds, cash, letters of credit, or other financial instruments approved by the county attorney.

SURFACE WATER: Natural or artificial bodies of water greater than one acre in extent at the normal annual water level, as depicted on USGS topographic quadrangles and/or as determined by on site surveys by a registered surveyor, landscape architect or engineer. Excluded from this definition are retention basins or other stormwater management facilities, farm ponds or other facilities associated with agricultural operations, sewage lagoons and other facilities for which normal maintenance and repair is necessary.

SURVEYOR: A land surveyor registered by and licensed to practice in the state of Illinois.

TOP OF BANK: A point above the mean water surface of a watercourse which defines the maximum depth of channel flow in the watercourse. It is either determined visually or computed as an elevation using the peak rate of runoff from a 2-year storm event.

TOPOGRAPHY: The characteristics of a parcel of land with respect to elevation.

TOWER: The monopole or lattice structure freestanding or guyed structure that supports a wind turbine generator.

TOWER HEIGHT: The total height of the U-SWECS exclusive of the rotor blades.

TRANSMISSION LINE: Those electrical power lines that carry voltages of at least sixty nine thousand (69,000) volts (69 kV) and are primarily used to carry electric energy over medium to long distances rather than directly interconnecting and supplying electric energy to retail customers.

TRAVEL TRAILER: See definition of Recreational Vehicle Or Travel Trailer.

TREE, CANOPY: A tree whose leaves would occupy the upper level of a forest in a natural ecological situation. These trees are also called shade trees, and typically reach heights of fifty (50) to one hundred feet (100') at maturity.

TREE, UNDERSTORY: A tree whose leaves would occupy the intermediate level of a forest in a natural ecological situation. They are also found as dominant species in old field succession. These trees are also called ornamental trees.

U-SWECS: Utility scale wind energy conversion systems shall mean any device that converts wind energy into electricity through the use of wind turbine generator which includes the turbine, blade, tower base and pad transformer, if any.

U-SWECS TOWER: The support structure to which the nacelle and rotor are attached, freestanding or guyed structure that supports a wind turbine generator.

UNDERGROUND PETROLEUM STORAGE: Any underground storage vessel, including the underground pipes connected thereto, which is used to contain petroleum products including heating oil and diesel fuel, and the volume of which, including the volume of the underground pipes connected thereto, is ten percent (10%) or more beneath the surface of the ground.

UNDERSTORY TREE: See definition of Tree, Understory.

UNLAWFUL ACTS: The violation of any note, regulation, order, permit condition or provision of the UDO.

USE, ACCESSORY: See definition of Accessory Use.

USE, PERMITTED: See definition of Permitted Use.

USE, PRINCIPAL: See definition of Principal Building Or Use.

UTILITY: Publicly or investor owned or regulated entity that provides services to the general public utilities, e.g., water, sewer, communications, waste management, cable, gas and electric.

VACANT: Land on which there are no structures or only structures which are secondary to the use or maintenance of the land itself.

VARIANCE: Relief from the standards of this UDO.

VIOLATION: The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the required federal, state, and/or local permits and elevation certification is presumed to be in violation until such time as the documentation is provided.

VISUAL AMENITY: Any type of visible feature which the observer finds attractive or pleasing to the eye.

WATER BODY: Any watercourse or lake defined by a bank or shore in which water can be found.

WATER DISTRIBUTION SYSTEM:

A. Community: A system for supplying and distributing water from a common source to two (2) or more dwellings or other buildings within a single neighborhood.

B. On Site: A system for supplying and distributing water to a single dwelling or other building from a source located on the same lot.

C. Public: A system for supplying and distributing water from a common source to dwellings and other buildings, but generally not confined to one neighborhood.

WATER QUALITY: Those characteristics of stormwater runoff, usually from a land disturbing activity that relate to the chemical, physical, biological or radiological integrity of water.

WATER TABLE: The level below the surface at which the ground is saturated by water.

WATERCOURSE: A stream channel (perennial, intermittent, mapped or unmapped) with banks and a bed within which concentrated water flows.

WATERSHED: The total or partial drainage area contributing stormwater runoff to a single point.

WETLAND: Those areas inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions; or areas that are defined and delineated in accordance with the "Federal Manual For Identifying And Delineating Jurisdictional Wetlands" dated January 10, 1989, and as may be amended from time to time; or as further defined and delineated by the U.S. army corps of engineers, the U.S. environmental Protection Agency, or the Illinois Department of Conservation.

WETLAND DELINEATION AND REPORT: An on site method or process for identifying wetlands as described in the "Corps of Engineers Wetland Delineation Manual", technical report: Y-87-1, from 1987, and as may be amended from time to time. The report shall be prepared by a person with professional experience and knowledge in wetlands identification and shall analyze a site for the existence and extent of wetlands. When such a delineation and report is required as part of a land use application, such report and delineation may be required to be updated and revised if the original report was prepared more than three (3) years prior to the date of submission of the land use application.

WILDLIFE HABITAT: A community of plants that provide food, water, cover, nesting, and foraging or feeding conditions necessary to maintain populations of animals.

WIND SITE ASSESSMENT: An assessment to determine the wind speeds at a specific area and the feasibility of using that site for construction of a wind energy system.

WIND TURBINE: Any piece of electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy through the use of air foils or similar devices to capture the wind.

WOODLAND: See definition of forest.

YARD: An unoccupied space open to the sky on the same lot with a building or structure.

YARD, CORNER LOT: Corner lots shall be considered to have one front yard based upon street access. Rear yard requirements shall apply to the yard opposite the front street line; the remaining street yard shall be considered a side yard and shall be subject to side yard requirements.

YARD, REAR: A yard extending the full width of the lot between the rear lot line and the parts of the principal building erected thereon. For a corner lot, the rear yard shall not extend beyond the building setback line on the side street.

YARD, SIDE: A yard between the parts of the principal building and the adjacent side line of the lot and extending from the front yard to the rear yard.

YARD, STREET: A yard extending the full width of the lot between the street line and the parts of the principal building erected thereon setting back from and nearest such street line. (This is commonly referred to as the "front" yard.)

ZONING BOARD OF APPEALS: The Grundy Zoning Board of Appeals.

ZONING DISTRICT: A designation shown on the zoning map as being in a district enumerated in chapter 1 of this title in which a specific set of

zoning standards apply. The term may refer to the standards or an area so mapped. The term is also analogous with zoning classification or designation.

ZONING MAP: The map(s) showing the location and boundaries of the zoning districts established by this title. These maps are entitled, "official zoning map of Grundy County".

ZONING OFFICER: The Grundy County Zoning Officer.

ZONING PERMIT: A written permit issued by the department that certifies that the proposed use of the land will be in compliance with this title.

ZONING REGULATIONS: Chapters 1 through 17 of this title. (Ord. 10-001, 1-12-2010; amd. Ord. 2012-012, 4-10-2012; Ord. 2012-025, 8-14-2012; Ord. 2018-012, 6-12-2018)

Notes

1. 765 ILCS 605.

CHAPTER 17

APPENDICES

SECTION:

8-17-1: Appendix A, Exhibits

8-17-1-1: Exhibit 1, Residential Street Hierarchy; Definition

8-17-1-2: Exhibit 2, Pavement And Right Of Way Requirements And Dimensions

8-17-1-3: Exhibit 3, Street Grade And Geometric Standards

8-17-1-4: Exhibit 4, Standard Street Sections

8-17-1-5: Exhibit 5, Driveway Connections; Private Road And Driveway Standards

8-17-2: Appendix B, Required Certificates

8-17-1: APPENDIX A, EXHIBITS:

8-17-1-1: EXHIBIT 1, RESIDENTIAL STREET HIERARCHY; DEFINITION:

1) Residential Access Street: Lowest order of residential streets. Provides frontage for access to lots, and carries traffic having destination or origin on the street itself; designed to carry the least amount of traffic at the lowest speed; all, or the maximum number of housing units, shall front on this class of street.

Guideline Maximum ADT

250 (each loop)

250 (total)

2) Residential Subcollector Street: Middle order of residential streets. Provides frontage for access to lots, and carries traffic of adjoining residential access streets; designed to carry somewhat higher traffic volumes with traffic limited to motorists having origin or destination within the immediate neighborhood; is not intended to interconnect adjoining neighborhoods or subdivisions and should not carry regional through traffic.

Guideline Maximum ADT

500 (each loop)

1,000 (total)

3) Residential Collector Street: Highest order of residential streets. Conducts and distributes traffic between lower order residential streets and higher order streets/arterials and expressways; carries the largest volume of traffic at high speeds; function is to promote free traffic flow; therefore, parking and direct access to homes from this level of street should be prohibited; collectors should be designed so that they cannot be used as shortcuts by non-neighborhood traffic.

Guideline Maximum ADT

3,000 (total)

4) Arterial Street: A higher order, interregional road in the street hierarchy. Conveys traffic between centers; should be excluded from residential areas.

Guideline Maximum ADT

3,000+

5) Special Purpose Streets:

a) Rural Residential Lane: A street serving a very low density area (minimum 2 acre zoning); the maximum ADT level limits the number of single-family homes on this road to twenty (20).

Guideline Maximum ADT

200

b) Cul-De-Sac Street: A street with a single means of ingress and egress and having a turnaround. Design of turnaround may vary; cul-de-sacs shall be classified and designed according to anticipated ADT level; a residential access cul-de-sac will have a maximum ADT level of two hundred fifty (250), and a subcollector cul-de-sac will have a maximum ADT level of five hundred (500).

Guideline Maximum ADT

250 (residential access total)

500 (subcollector)

c) Marginal Access Street: A service street that runs parallel to a higher order street and provides access to five hundred (500) abutting properties and separation from through traffic; may be designed as residential access street or subcollector according to anticipated daily traffic.

Guideline Maximum ADT

500 (residential access total)

500 (subcollector)

d) Divided Streets: Streets may be required to be divided in order to provide alternate emergency access, to protect environmental features, or to avoid grade changes. Design standards should be applied to the combined dimensions of the two (2) street segments as required by the street class.

Guideline Maximum ADT

500 (residential access total)

1,000 (subcollector total)

3,000 (collector total)

e) Stub Street: A portion of a street which has been approved in its entirety; permitted as part of phase development; may be required if part of an overall master plan.

Guideline Maximum ADT

500 (residential access total)

1,000 (subcollector total)

3,000 (collector total)

(Res. 91-096, 12-10-1991; amd. 2004 Code; Ord. 10-001, 1-12-2010)

8-17-1-2: EXHIBIT 2, PAVEMENT AND RIGHT OF WAY REQUIREMENTS AND DIMENSIONS:

Street Category ¹	Minimum Pavement Width ⁶	Curb Or Shoulder ^{7,11}	Sidewalk	Minimum Right Of Way Width
Residential Access				
Low intensity	22 feet	6 foot shoulder	Not required ¹⁰	66 feet
Medium intensity	28 feet	Curb	Sidewalk (one side)	60 feet
High intensity				
On street parking	28 feet	Curb	Sidewalk (each side)	60 feet
Off street parking	25 feet	Curb	Sidewalk (each side)	60 feet
	22 feet	6 foot shoulder ⁹		66 feet
Residential Subcollector				
Low intensity	22 feet	6 foot shoulder	Not required ¹⁰	66 feet
Medium intensity	28 feet	Curb	Sidewalk (one side)	60 feet

High Intensity	28 feet	Curb	Sidewalk (each side)	60 feet
One side parking	36 feet	Curb	Sidewalk (each side)	66 feet
Two side street parking	25 feet	Curb	Sidewalk (each side)	60 feet
Off street parking	22 feet	6 foot shoulder ⁹		66 feet
Residential Collector ⁸				
Low intensity	24 feet	8 foot shoulder	Not required ¹⁰	70 feet
Medium intensity	27 feet	Curb	Sidewalk (each side)	60 feet
	24 feet	8 foot shoulder ⁹		70 feet
High intensity	27 feet	Curb	Sidewalk (each side)	60 feet
	24 feet	8 foot shoulder ⁹		70 feet
Commercial/Industrial Access				
Off street parking	24 feet	8 foot shoulder	Not required ¹⁰	70 feet
	27 feet	Curb	Sidewalk (one side)	60 feet
On street parking	32 feet	8 foot shoulder	Not required ¹⁰	80 feet
	32 feet	Curb	Sidewalk (one side)	60 feet
Special Purpose				
Rural residential lane	20 feet	6 foot shoulder	Not required ¹⁰	66 feet
Cul-de-sac ²				
Marginal access ³				
Divided street ⁴				
Stub street ⁵				

Notes:

1. See section 8-17-1-1 of this chapter for definition of street hierarchy and subsection 8-6-3-4C2 of this title for definition of low, medium, and high intensity of development.
2. Pavement and right of way widths of cul-de-sac stems and right of way requirements shall conform to standards of either residential access or subcollector streets as dictated by anticipated average daily traffic. Cul-de-sac turnarounds shall have a minimum pavement radius of 50 feet. Minimum cul-de-sac right of way radius shall be 60 feet with pavement curbs and 70 feet with roadside swales. Alternative type turnarounds may be considered in very low traffic situations.
3. Pavement and right of way widths of marginal access streets and right of way requirements should conform to the standards of either residential access or subcollector streets as dictated by anticipated daily traffic. If the classification is a subcollector requiring a 36 foot pavement, pavement width may be reduced to 28 feet since frontage is restricted to one side of the street.
4. Pavement and right of way widths of divided streets and right of way requirements should conform to the standards of street classification as dictated by anticipated average daily traffic and be applied to aggregate dimensions of the 2 street segments.
5. Pavement and right of way widths of stems and right of way requirements should conform to the standards of street classification as dictated by anticipated daily traffic.
6. Pavement width measured from edge to edge of surface or when curbs are present, from back to back of curb.
7. Curbs may also be required as indicated in subsection 8-6-3-4D1b of this title.
8. Pavement width assumptions - street parking and direct access (driveways) to lots and buildings are prohibited.
9. Use of shoulders is allowable only when: 1) note 8 conditions are met; and 2) sidewalk requirement is waived, street right of way is increased to provide space for sidewalks and drainage swales or sidewalks are provided outside of the street right of way.
10. Sidewalks or paved paths may be required in specific situations depending on probable pedestrian traffic and proximity of and need for access to schools, shopping and other facilities.
11. Shoulders shall consist of the following widths of aggregate and earth material:

Street Category	Aggregate	Earth	Total
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Residential access	2 feet	4 feet	6 feet
Residential subcollector	4 feet	2 feet	6 feet
Residential collector	6 feet	2 feet	8 feet
Commercial/industrial access	4 feet	2 feet	6 feet
Rural lane	2 feet	4 feet	6 feet

(Res. 91-096, 12-10-1991; amd. 2004 Code; Ord. 10-001, 1-12-2010)

8-17-1-3: EXHIBIT 3, STREET GRADE AND GEOMETRIC STANDARDS:

Standards	Local Street Hierarchy				
	Rural Lane	Cul-De-Sac	Residential Access Street	Residential Subcollector	Residential Collector
Standards	Local Street Hierarchy				
	Rural Lane	Cul-De-Sac	Residential Access Street	Residential Subcollector	Residential Collector
Minimum grade ⁽³⁾	0.5%	0.5%	0.5%	0.5%	0.5%
Maximum grade	10%	10%	8%	8%	7%
Maximum grade within 50 ft. of intersection	4%	4%	4%	4%	2%
Minimum length vertical curve ⁽¹⁾					
Crest	30A	20A	20A	30A	80A
Sag	40A	30A	30A	40A	70A
Minimum centerline radius	280 ft.	170 ft.	170 ft.	280 ft.	600 ft. ⁽²⁾
Minimum tangent length between reverse curves	150 ft.	100 ft.	100 ft.	150 ft.	250 ft.
Minimum edge radii	20 ft.	25 ft.	25 ft.	30 ft.	35 ft.

Notes:

(1) "A" = algebraic difference in grades (percent).

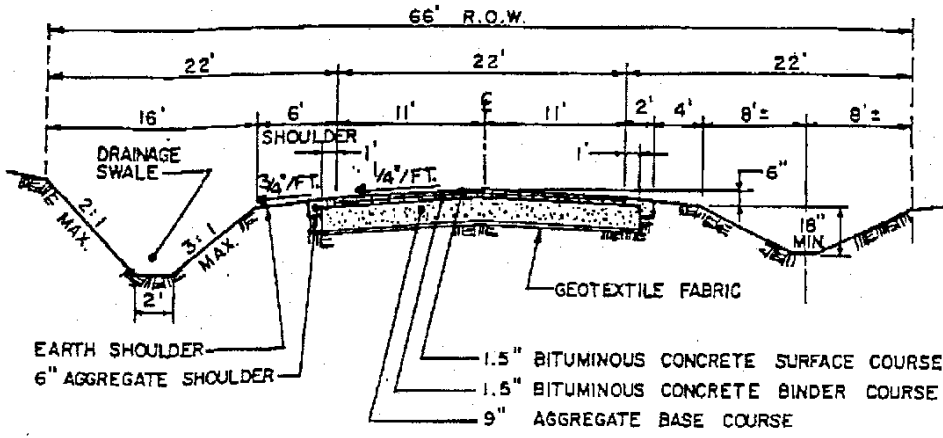
(2) Collector radius based on 40 mph and no super elevation. Radius may be reduced if design speed is reduced and/or super elevation is provided.

(3) Minimum grade for streets with curb and gutter edging. Minimum grade for streets with shoulder edging and drainage swales may be a 0.0 percent grade.

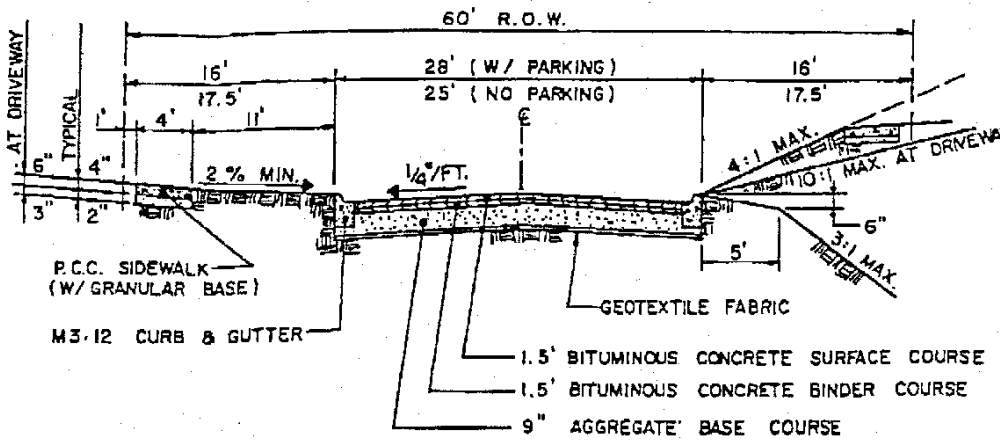
(Res. 91-096, 12-10-1991; amd. 2004 Code; Ord. 10-001, 1-12-2010)

8-17-1-4: EXHIBIT 4, STANDARD STREET SECTIONS:
FIGURE 1

RESIDENTIAL ACCESS STREET

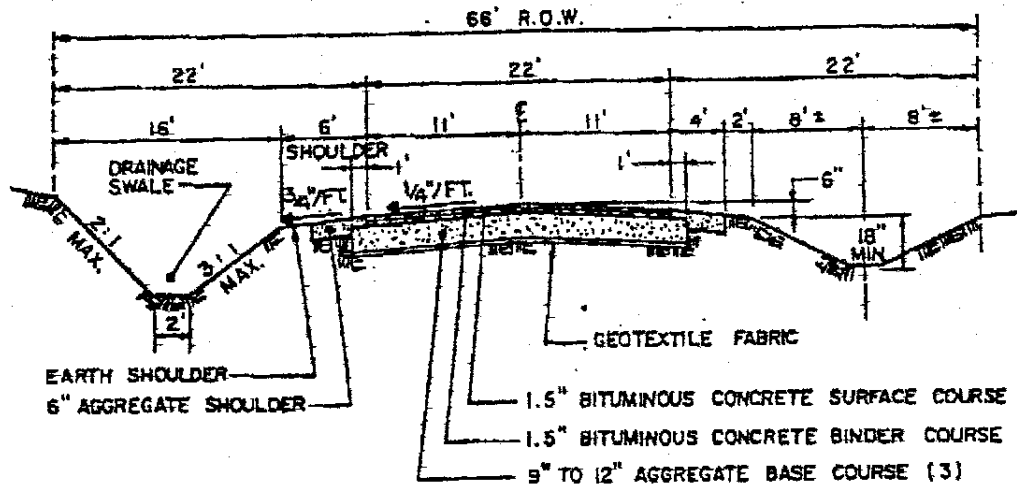


RURAL SECTION

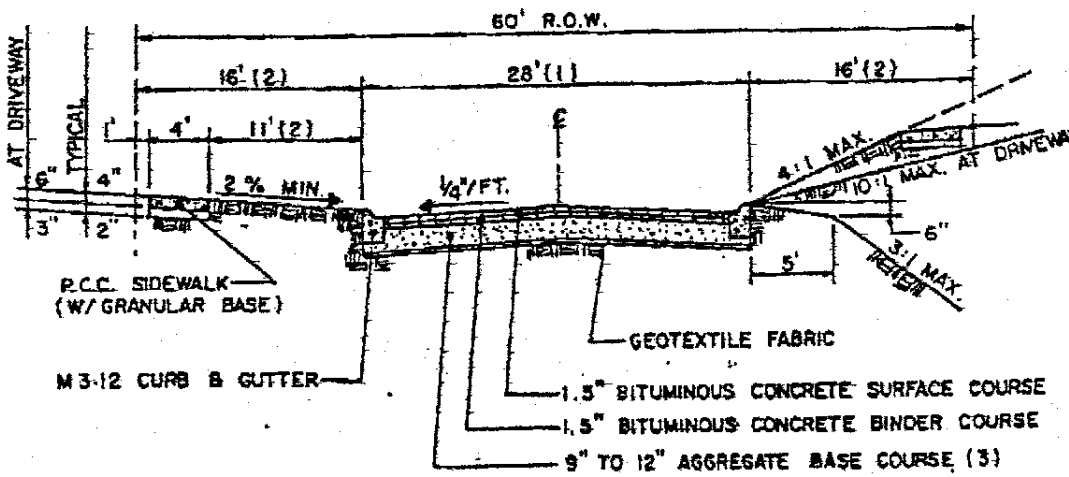


URBAN SECTION

FIGURE 2
RESIDENTIAL SUBCOLLECTOR STREET



RURAL SECTION

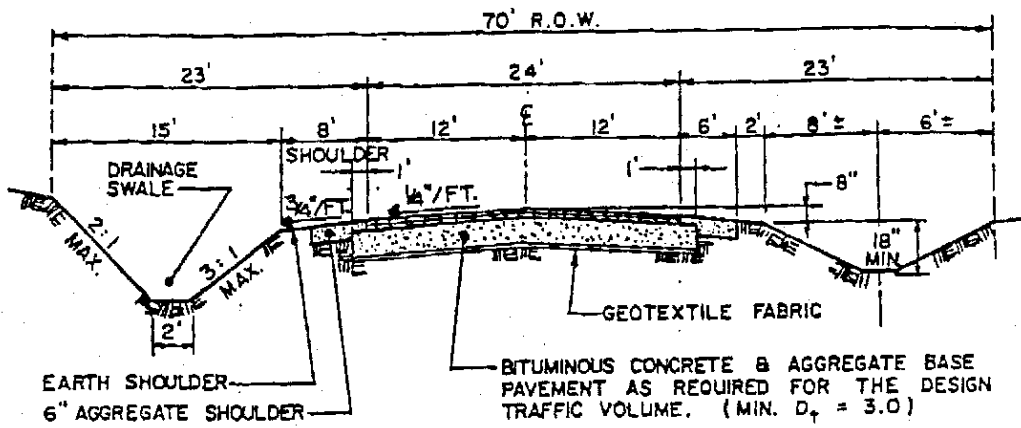


URBAN SECTION

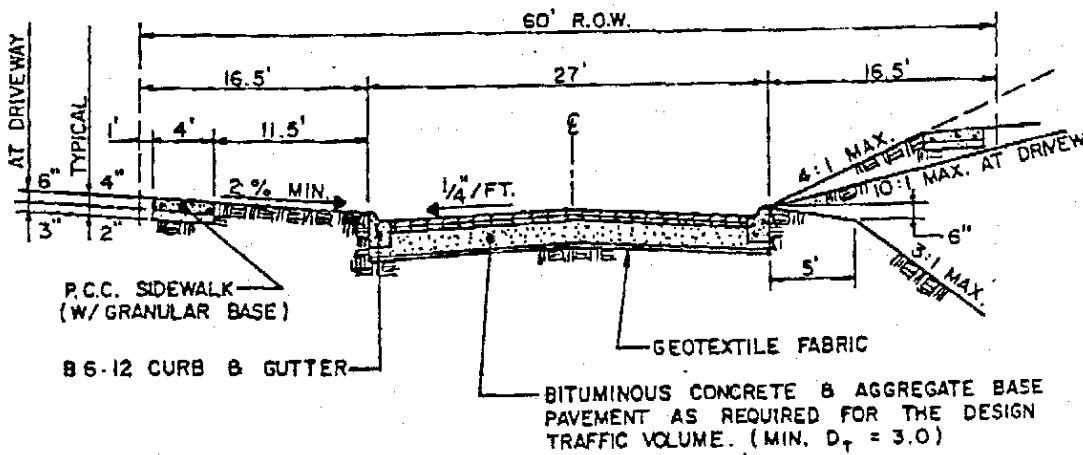
- (1) Widths of high intensity development streets vary according to allowable on street parking conditions. See section 8-17-1-2 of this chapter.
- (2) Parkway width varies according to street width.
- (3) Base course thickness dependent on design traffic volume.

FIGURE 3

RESIDENTIAL COLLECTOR STREET



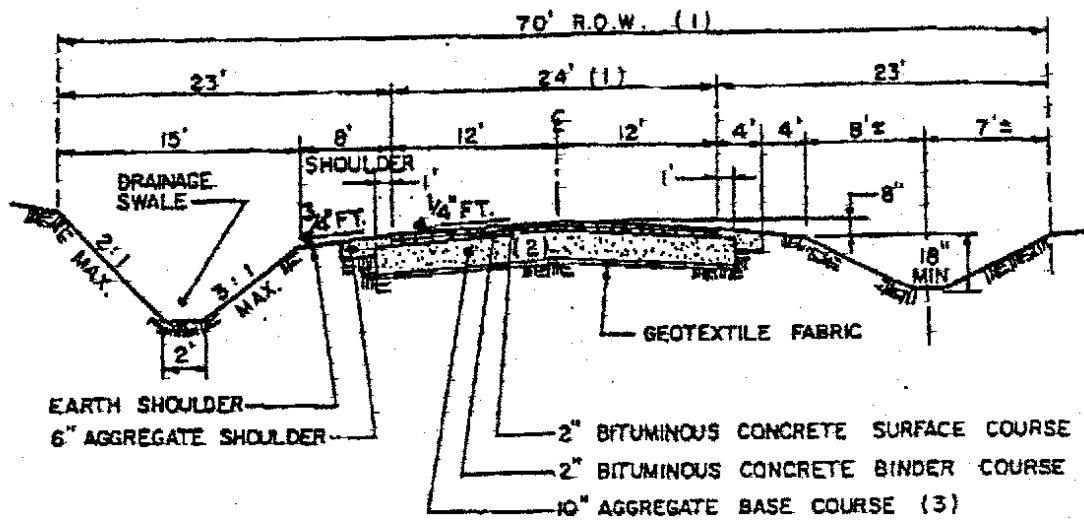
RURAL SECTION



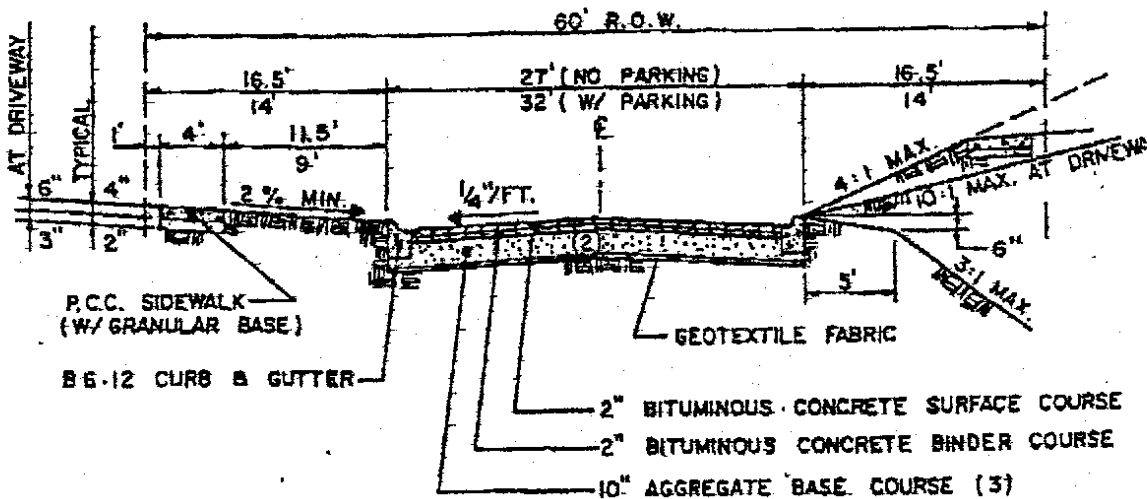
URBAN SECTION

FIGURE 4

COMMERCIAL/INDUSTRIAL ACCESS STREET



RURAL SECTION



URBAN SECTION

(1) Assumes no on street parking. If parking allowed, increase pavement width to 32 feet and right of way to 80 feet.

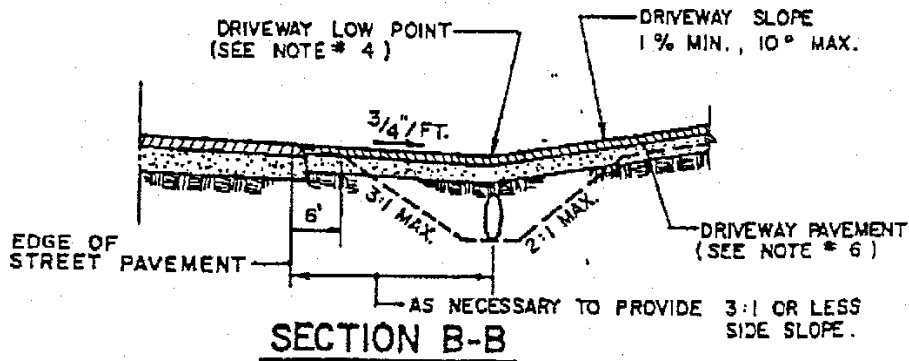
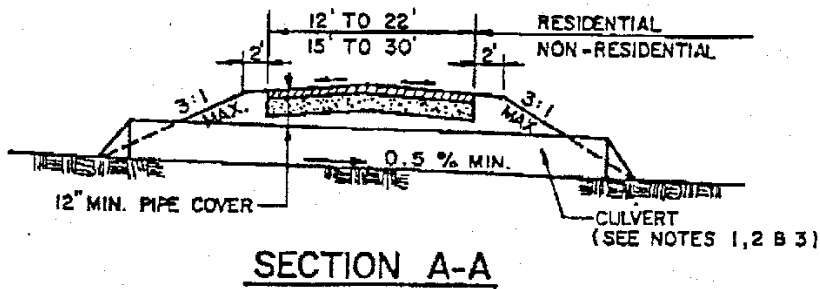
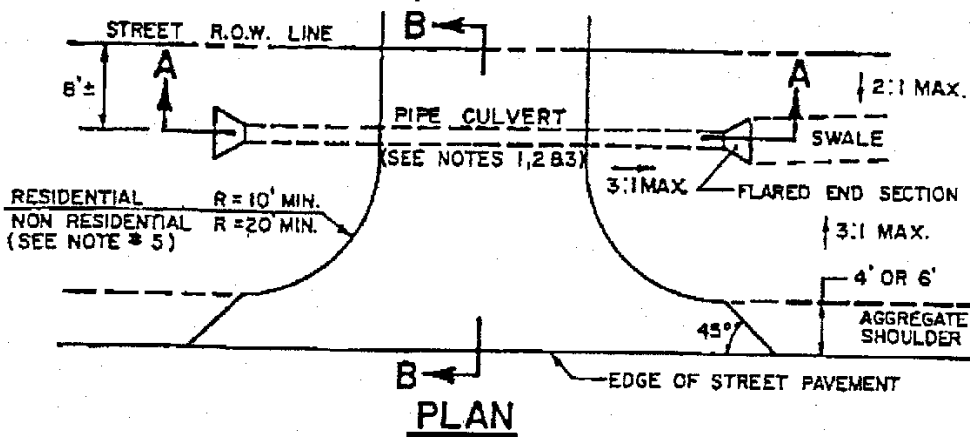
(2) Required pavement section based on ADT = 400 with SU and MU trucks = 10% each. If traffic volumes or truck percentages are more than these base amounts, increase the pavement structure section to suit the traffic conditions.

(3) An equivalent stabilized base (asphalt, cement or BAM) may be used instead of the aggregate base indicated.

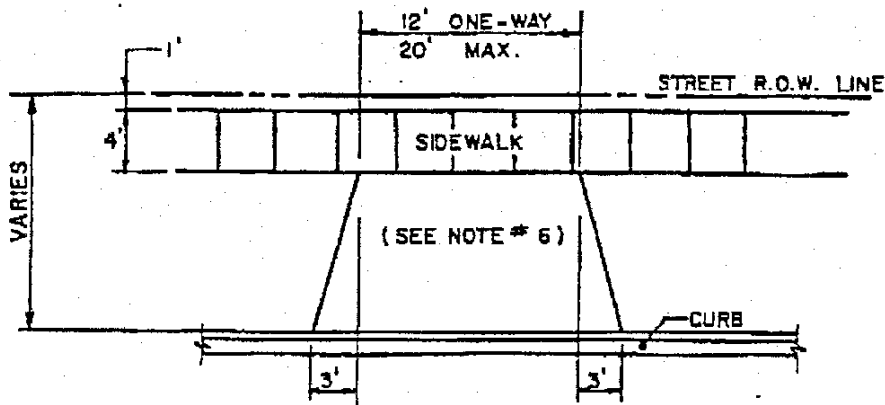
(Res. 91-096, 12-10-1991; amd. 2004 Code; Ord. 10-001, 1-12-2010)

8-17-1-5: EXHIBIT 5, DRIVEWAY CONNECTIONS; PRIVATE ROAD AND DRIVEWAY STANDARDS: FIGURE 1

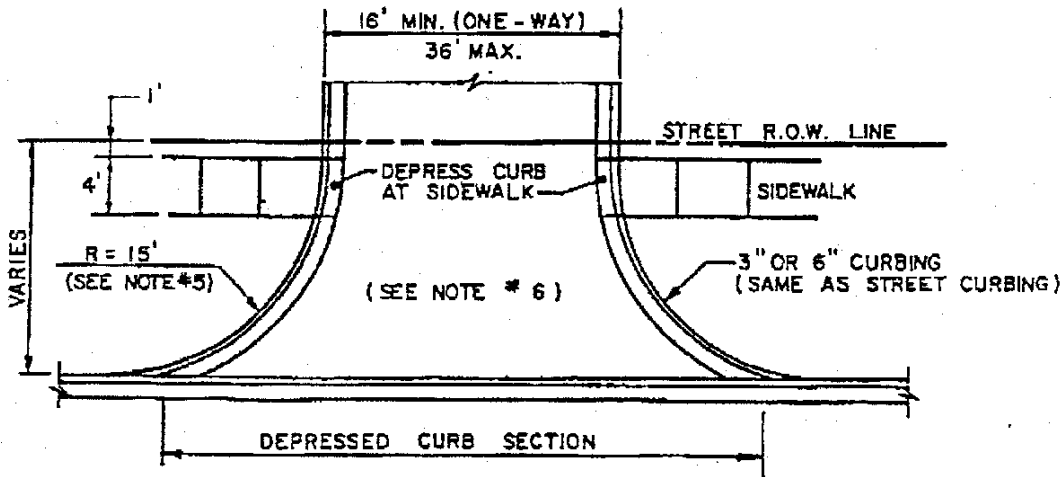
TYPICAL DRIVEWAY CONNECTIONS



RURAL CONDITIONS



SINGLE FAMILY RESIDENCE ACCESS



PARKING LOT & COMMERCIAL/INDUSTRIAL ACCESS

URBAN CONDITIONS

Notes:

1. Culvert diameter shall be as required by local drainage conditions. Minimum size shall be 12 inch diameter.
2. Culverts shall be of concrete, corrugated metal or plastic pipe material as specifically approved by the governing county or township highway department. Headwalls will not be allowed.
3. Culvert length shall be sufficient to provide for the established driveway width, 2:1 shoulders and 3:1 side slopes.
4. Driveways shall be sloped to a low point over the street swale culvert unless the existing swale is too shallow and cannot be regraded to an adequate depth.
5. Driveway radius requirements shall be dependent on specific street and driveway dimensions and traffic conditions. In some cases, a turning lane may be required.
6. Driveway pavement materials and thickness (minimum requirements) within the street right of way shall be as follows:

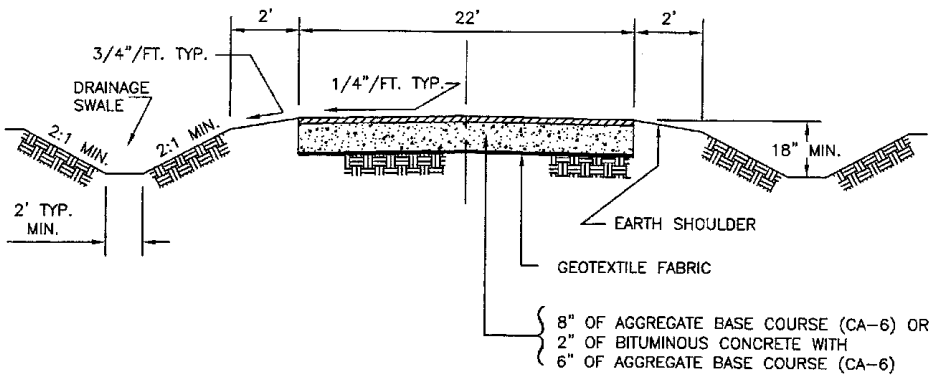
Residential: 12 inches of aggregate base material or 2 inches of bituminous concrete with 6 inches of aggregate base or 4 inches of aggregate base material with 5 inches of concrete and wire mesh.

Nonresidential: 4 inches of aggregate subbase, 9 inches of bituminous base course, $2\frac{1}{2}$ inches bituminous binder course, and $1\frac{1}{2}$ inches bituminous surface course or 4 inches of aggregate base with 6 inches of concrete and wire mesh.

Concrete driveways should extend no closer than 3 feet from the edge of the public road or street pavement. Bituminous concrete shall then be used to pave the remaining driveway to the edge of the road.

FIGURE 2

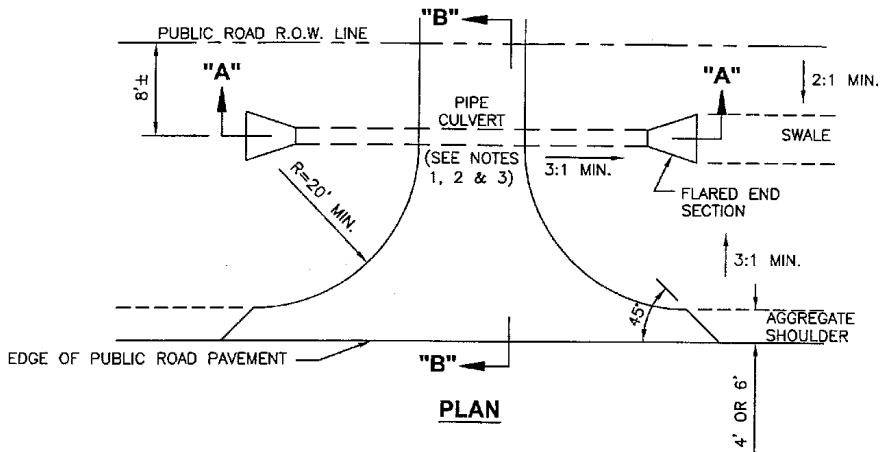
EXHIBIT A-3A
PRIVATE ROAD STANDARDS
TYPICAL CROSS SECTION



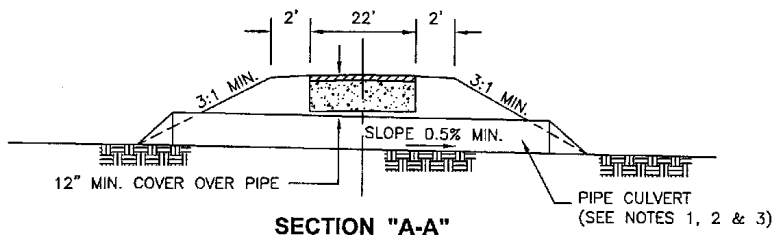
SHEET 1 OF 3

STATE OF ILLINOIS COUNTY OF GRUNDY COUNTY ENGINEER			
DRAWN: D.M.B.	CHECKED: C.J.C.	SCALE: NONE	DATE: 6-2-04
REVISED:	9-13-08		

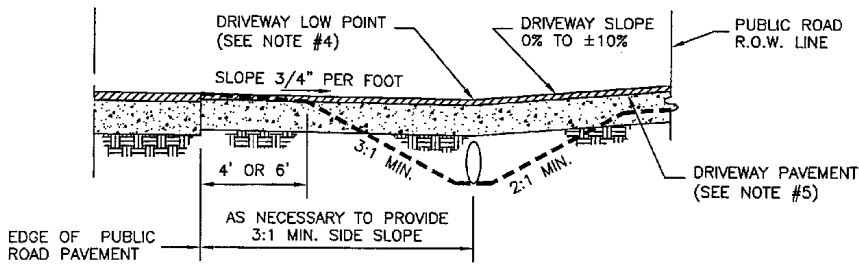
EXHIBIT A-3A CONT.
PRIVATE ROAD STANDARDS
CONNECTION TO PUBLIC ROADS



PLAN



SECTION "A-A"



SECTION "B-B"

SHEET 2 OF 3

STATE OF ILLINOIS COUNTY OF GRAMBY COUNTY ENGINEER			
DRAWN: D.M.B.	CHECKED: C.J.C.	SCALE: NONE	DATE: 6-2-04
REVISED:	8-13-06		

EXHIBIT A-3A CONT.
PRIVATE ROAD STANDARDS

NOTES

NOTES:

1. THE CULVERT DIAMETER SHALL BE AS REQUIRED BY LOCAL DRAINAGE CONDITIONS AND THE GOVERNING COUNTY OR TOWNSHIP HIGHWAY DEPARTMENT. MINIMUM SIZE SHALL BE 15" DIAMETER.
2. CULVERTS SHALL BE OF CONCRETE OR CORRUGATED METAL AS SPECIFICALLY APPROVED BY THE GOVERNING COUNTY OR TOWNSHIP HIGHWAY DEPARTMENT. HEADWALLS WILL NOT BE ALLOWED.
3. CULVERT LENGTH SHALL BE SUFFICIENT TO PROVIDE FOR THE ESTABLISHED ROADWAY WIDTH PLUS 2' SHOULDERS AND 3:1 SIDE SLOPES. FLARED END SECTIONS MAY BE REQUIRED. (MINIMUM CULVERT LENGTH SHALL BE 30' WITHOUT END SECTIONS OR 24' WITH END SECTIONS.)
4. DRIVEWAYS SHALL BE SLOPED TO A LOW POINT OVER THE STREET SWALE CULVERT UNLESS THE EXISTING SWALE IS TOO SHALLOW AND CANNOT BE REGRADED TO AN ADEQUATE DEPTH.
5. PRIVATE ROAD PAVEMENT MATERIALS AND THICKNESS (MINIMUM REQUIREMENTS) SHALL BE AS FOLLOWS.
6. IF PRIVATE ROAD REQUIRES ACCESS ON TO AN EXISTING ROAD WITH CURB AND GUTTER, EXISTING CURB SHALL BE MILLED OR CUT TO A HEIGHT OF 1- $\frac{1}{2}$ " ABOVE THE GUTTER.

RESIDENTIAL - 8" OF AGGREGATE BASE MATERIAL (CA-6) OVER GEOTEXTILE FABRIC OR 2" OF BITUMINOUS CONCRETE WITH 6" OF AGGREGATE BASE OVER GEOTEXTILE FABRIC.

SHEET 3 OF 3

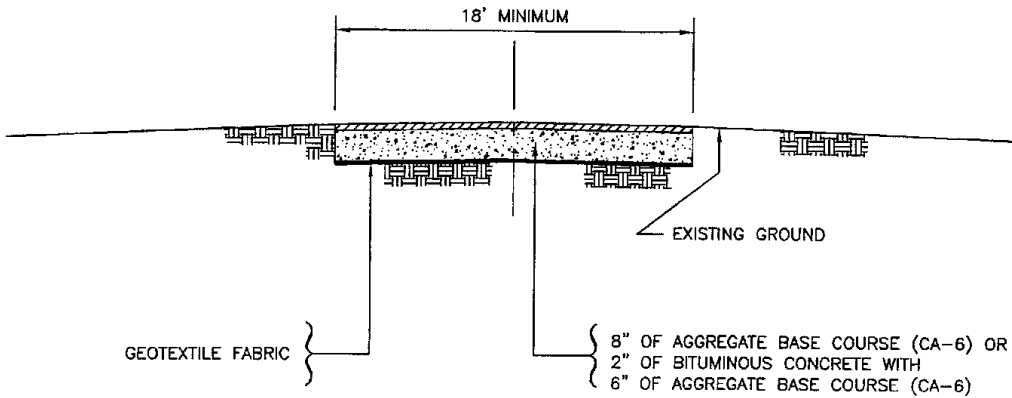
STATE OF ILLINOIS COUNTY OF GRUNDY COUNTY ENGINEER			
DRAWN: D.M.B.	CHECKED: C.J.C.	SCALE: NONE	DATE: 6-2-04
REVISED:	9-14-06		

COUNTY PRIVATE ROAD DRAWING DETAILS & SPECS

FIGURE 3

**EXHIBIT A-3B
PRIVATE DRIVEWAY STANDARD
(FOR DRIVEWAYS OVER 200 FEET LONG)**

TYPICAL CROSS SECTION



NOTES:

- 1) IF DRIVEWAY IS TO BE CONSTRUCTED WITHIN A FLAG LOT OR NARROW STRIP OF LAND, THE FLAG LOT OR STRIP MUST BE A MINIMUM OF 30 FEET WIDE.
- 2) REFER TO SUBDIVISION REGULATIONS FOR DRIVEWAY CONSTRUCTION REQUIREMENTS WITHIN PUBLIC R.O.W. AND ACCESSING PUBLIC ROADWAYS.
- 3) THE DRIVEWAY SHALL NOT OBSTRUCT NATURAL OVERLAND DRAINAGE WAYS. THE USE OF DITCHING AND OR CULVERTS MAY BE NECESSARY TO CONVEY WATER ACROSS THE DRIVEWAY.

STATE OF ILLINOIS COUNTY OF GRUNDY COUNTY ENGINEER			
DRAWN: D.M.B.	CHECKED: C.J.C.	SCALE: NONE	DATE: 3-31-08
REVISED:	8-9-06		

COUNTY PRIVATE ROAD/PRIVATE DRIVEWAY DETAILS

(Res. 91-096, 12-10-1991; amd. 2004 Code; Ord. 06-020, 11-14-2006; Ord. 10-001, 1-12-2010; Ord. 2014-006, 4-8-2014)

8-17-2: APPENDIX B, REQUIRED CERTIFICATES:

A. Preliminary Plats:

MUNICIPAL PLANNING COMMISSION APPROVAL

If the proposed subdivision lies within 1 1/2 miles of the municipality, the Preliminary Plat must be approved by the Planning Commission of that municipality. A certificate indicating such approval, to be signed by the Chairman, shall be placed on the Plat. The following wording is suggested:

STATE OF ILLINOIS)

County of Grundy)

Approved by the Planning Commission of the (Municipality) of (name) this(day) of (month), (year).

(signature)

Chairman

COUNTY BOARD CERTIFICATE

A certificate shall be provided to indicate approval of the preliminary plat by the Grundy County board. Space for the signature of the county board chairman and the county clerk shall be provided. The following wording is suggested:

STATE OF ILLINOIS)

County of Grundy)

Approved by the County Board of Grundy County, Illinois, this ___ day of _____, 20___, A.D.

Chairman, Grundy County Board

Attest: _

Grundy County Clerk

ZONING BOARD OF APPEALS CERTIFICATE

A certificate shall be provided to indicate approval of the preliminary plat by the Grundy County zoning board of appeals. Space for the signature of the county board chairman and the county clerk shall be provided. The following wording is suggested:

STATE OF ILLINOIS)

County of Grundy)

Approved by the Zoning Board of Appeals of Grundy County, Illinois, This ___ day of _____, 20___

Chairman, Grundy County Zoning Board of Appeals

B. Final Plat:

CERTIFICATE INDICATING PROXIMITY TO MUNICIPALITIES

A certificate indicating the proximity of the subdivision to nearby municipalities shall be placed on the final plat. The certificate shall list all municipalities within eleven (11) miles of the subdivision, or if there are none, shall so state. The certificate shall be signed by the surveyor who prepared the plat. The following alternative wordings are suggested, depending on which situation exists:

A. This Plat of subdivision does not lie within 11 miles of any existing corporate municipalities.

_____(signature)_____

Registered Illinois Land Surveyor

B. This plat of subdivision lies within 11 miles of the corporate municipality(ies) of(list)

_____(signature)_____

Registered Illinois Land Surveyor

OWNER'S CERTIFICATE AND NOTARY CERTIFICATE

A certificate shall be placed on the final plat indicating the ownership of the land being subdivided. A notary certificate shall be placed beneath the owner's certificate in witness of the owner's signature. The following general wording of the two (2) certificates is suggested:

OWNER'S CERTIFICATE

STATE OF ILLINOIS)

County of Grundy)

This is to certify that the undersigned, (list name), is (are) the legal owners(s) of record of the land described on the plat hereon drawn and shown hereon as subdivided, and that he (they) has (have) caused said land to be surveyed, subdivided, staked, and platted as shown hereon, for the purpose of having this plat recorded as provided by law.

In witness whereof I (we) have hereunto set my (our) hand(s) and Seal(s) this ___ day _____ of A.D. 20___.

_____(Seal)

_____(Seal)

NOTARY CERTIFICATE

STATE OF ILLINOIS)

County of Grundy)

I, _____ Notary Public in and for said County and State aforesaid, do hereby certify that (list names), personally known to me to be the same person(s) whose name(s) is (are) subscribed to the foregoing instrument as such owner(s) appeared before me this day in person and acknowledged that he (they) signed and delivered the annexed plat at his (their) own free and voluntary act for the uses and purposes therein set forth.

Given under my hand and Notarial Seal this ___ day of _____ 20___ A.D., at _____ Illinois.

Notary Public, My Commission Expires

COUNTY ENGINEER

STATE OF ILLINOIS)

County of Grundy)

I, _____, County Engineer of the County of Grundy, Illinois, hereby certify that the land improvements described in the annexed plat, and the plans and specifications therefor meet the minimum requirements of said County.

Given under my hand and seal, this _____ day _____ of 20___.

County Engineer

ROAD COMMISSIONER'S CERTIFICATE AND NOTARY CERTIFICATION

All final plats must be approved by the road commissioner for each political township in which the subdivision lies. A certificate indicating that the road commissioner has approved the final plat along with a notary certificate shall be required. The following wording is suggested for the road commissioner and notary public certificate:

I, (name) do hereby certify that this Final Plat and accompanying engineering drawings meet all requirements of the Grundy County Subdivision Ordinance pertaining to roads. I hereby agree to accept and maintain the roads and streets of this subdivision upon their completion in accordance with the laws of the State of Illinois.

(Name) Township Road Commissioner

Given under my hand and Seal, this ___ day of ___, 20___ at _____, Illinois.

Commission

NOTE:

If interior subdivision roads abut upon county or state highways, an additional certificate of acceptance signed by either the county superintendent of highways or a representative of the Illinois department of transportation (as appropriate) shall be placed upon the plat.

SURVEYOR'S CERTIFICATE

The surveyor who prepared the final plat shall place thereon a certificate of substantially the following wording:

STATE OF ILLINOIS)

County of Grundy)

This is to certify that I, _____, registered Illinois Land Surveyor, No. _____ have surveyed and subdivided the property as described and as shown by the annexed plat, which is a correct representation of said survey and subdivision. All distances are shown in feet and decimals thereof.

Given under my hand and seal at _____, Illinois, this ___ day of _____, 20___.

CERTIFICATE REGARDING FLOOD HAZARD

In accordance with the counties code, 55 Illinois Compiled Statutes 5/3-5029, the surveyor shall determine if any part of the proposed subdivision lies within a flood hazard area as identified by the federal emergency management agency. An appropriate certificate shall be placed on the plat and signed by the surveyor. The following wording is suggested, depending on which situation exists:

A. I certify that none of the above described property is located in a flood hazard area as identified by the Federal Emergency Management Agency.

_____(signature)____

Illinois Registered Land Surveyor

B. I certify that none of the above described property is located in a flood hazard area as identified by the Federal Emergency Management Agency except as indicated.

_____(signature)____

Illinois Registered Land Surveyor

CERTIFICATES REGARDING MONUMENTS

The plat act requires the surveyor to set certain subdivision monuments at the time of making his survey, and to describe them on the plat. The following certificate, to be signed by the surveyor, shall be placed on the final plat to indicate that all monuments have been set and described as required by statute.

This is to certify that I, _____, a Registered Illinois Land Surveyor, No. _____ have set all subdivision monuments and described them on this Final Plat as required by the Plat Act (765 Illinois Compiled Statutes 205/0.01 et seq.).

Registered Illinois Land Surveyor

LOCAL HEALTH DEPARTMENT CERTIFICATE

The plat act, as amended January 1, 1988, requires the local health department, if one exists, to sign a plat with respect to sewage disposal systems if any part of the platted land will not be served by a public sewer system. The following wording is suggested:

No public sewer system exists to serve this subdivision. Sewerage system suitability has been determined for all platted lots in accordance with the pertinent sections of the Grundy County Subdivision Ordinance.

_____(signature)____

Public Health Administrator

COUNTY CLERK'S CERTIFICATE

The county clerk shall make a tax search of the land being subdivided. A certificate is required on all final plats, indicating that any back taxes and the required tax search fee have been paid. The following is suggested:

STATE OF ILLINOIS)

County of Grundy)

County Clerk in Grundy County, Illinois, does hereby certify that there are no delinquent general taxes, no unpaid current general taxes, no unpaid forfeited taxes, and no redeemable tax against any of the land included in the annexed plat.

I further certify that I have received all statutory fees in connection with the annexed plat.

Given under my hand and seal of the County at Morris, Illinois this ___ day of _____ 20___.

County Clerk

ZONING BOARD OF APPEALS CERTIFICATE

A certificate shall be placed on the final plat to indicate the approval of the zoning board of appeals. The following wording is suggested:

STATE OF ILLINOIS)

County of Grundy)

Approval this (date) day of (month), (year)

Zoning Board of Appeals

Chairman

Plat Officer

CERTIFICATE OF SPECIAL ASSESSMENTS

STATE OF ILLINOIS)

County of Grundy)

I, _____ County Treasurer of the County of Grundy, do hereby certify that there are no delinquent or unpaid current or forfeited special assessments or any deferred installments thereof that have been appointed against the tract of land included in the plat.

Given under my hand and seal of the County at Morris, Illinois, this ____ day of _____, 20____.

County Treasurer

COUNTY BOARD CERTIFICATE

A certificate shall be provided to indicate approval of the final plat by the Grundy County board. Space for the signature of the county board chairman and the county clerk shall be provided. The following wording is suggested:

STATE OF ILLINOIS)

County of Grundy)

Approved by the County Board of Grundy County, Illinois, this ____ day of _____, 20____.

Chairman, Grundy County Board

Grundy County Clerk

(Ord. 2018-012, 6-12-2018)